

PUBLICATIONS  
OF THE  
AMERICAN ECONOMIC ASSOCIATION

---

THIRD SERIES.  
VOL. I, No. 2.

---

ISSUED QUARTERLY.  
PRICE, \$4.00 PER YEAR

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THE END OF VILLAINAGE IN  
ENGLAND.

BY

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MAY, 1900

PUBLISHED FOR THE  
AMERICAN ECONOMIC ASSOCIATION  
BY THE MACMILLAN COMPANY  
NEW YORK.

LONDON: SWAN SONNENSCHN & CO.

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## THE END OF VILLAINAGE IN ENGLAND.

During the last centuries of the Middle Ages the free and the unfree classes of the population of England were set off from each other by no clear and sharp dividing line. There was, on the contrary, a broad expanse of debatable land between them, a land well peopled with industrious and useful men, who certainly did not know, and probably seldom paused to think, whether in the eyes of the lawyers they were free or unfree. This indefiniteness of the boundaries facilitated the passing from one class to the other, and although it had at one time undoubtedly aided in depressing the freemen, yet after the thirteenth century it continued to play an equally important part when the stream of tendency had set in the opposite direction. But on both sides of this shadowy territory there were men about whose condition there could be no doubt. On one side were the free, sub-divided into various classes, from the mighty baron with his scores of broad acres and cattle grazing on a hundred hills, his frowning castle and troops of retainers, to the simple freeman that eked out a scanty existence by his handiwork. On the other side were the unfree, who were likewise sub-divided into classes according to the amount of land they held or the rights they had acquired, but who were all in common parlance known as bondmen or villains.

It is the gradual extension of the rights of these villains in the (eastern, midland, and southern counties) of England, and the abolition of their disabilities till they were on an equality with freemen, that this paper will discuss. The sum of the rights and disabilities that

went to make up their status or condition was known as villainage, and as these were passing through a process of change during the last centuries of the Middle Ages, the word villainage conveyed different meanings at different times. Moreover, the same word was used to designate the sum of the rights and disabilities attached to the tenure of certain lands; so that it not only meant different things at different times, but it meant two things at the same time; it was the name given to the status of a large part of the population, and it was the name given to a certain form of land tenure.<sup>1</sup> Thus a person of villain status, even though he had acquired a freehold, was bound simply by reason of his status to the performance of certain duties to his lord; whilst a man that received land to hold in villainage, even if he were a freeman, was bound by reason of his tenure to discharge many duties that were identical with those of a bondman. In speaking of the extinction of villainage, therefore, it will be necessary to remember these two meanings, and to describe both the changes that took place in the condition of the villains, and those that took place in the tenure of certain lands.

A great mass of literature has grown up in recent years concerning the origin of villainage. Opinions still differ about it, and it is not proposed to discuss the subject here at all. But in order to understand how and why it was done away with, it is necessary to know what it was before the process of amelioration began. Faint traces of this process are discernible, however, at very early times, at times indeed about which our amount of information on economic subjects is too small and untrustworthy to permit an accurate description of the institution as it then existed. Yet it had made but

<sup>1</sup> Pollock and Maitland, "History of English Law," I, 339.



little headway before the middle of the thirteenth century; and thanks to the labors of Professor Vinogradoff, Professor Maitland, and others, it is now known what villainage at that time meant.

The class of people whose condition these writers have discussed included the greater part of the cultivators of the soil. They were not equally distributed, however, throughout the country. In the counties which had been subjected to Danish influence they were less numerous than elsewhere, on many manors indeed scarcely outnumbering the freemen; whilst in the County of Kent there were no villains at all. The term "villain", by which they came to be known, had its origin in their living, not as do the farmers in America, each on his own land, but clustered in vills, hamlets, or small towns, from which they went out in the morning, each man to till one of his own little plots, or all together to their work on the land of the lord of the manor. For usually all the villains in the village were connected with the same manor, were "regardant" to it, as this relation came to be called; though it sometimes happened that one vill was divided between several manors, just as it also happened that there were sometimes several vills on one manor. But whether they were all connected with the same manor or not, they were with few exceptions connected with some manor<sup>1</sup>; as a rule they held land within its limits, and owed "suit and service" to the lord of it; so that to be a villain implied having a lord and being bound to him on some one of his manors.

Now the term "manor" was very indefinite. Hardly anything can be said about one manor that would be

<sup>1</sup> Pollock and Maitland, I, 397.

true of all others.<sup>1</sup> They differed in size; they differed in the way they were managed; they differed in the relation to each other of the owner and the cultivators;—in short, they differed in so many ways, that though volumes have been written on the “customs of manors” many things are still obscure that it would be desirable to know about them. Still most of them conformed more or less closely to a certain type, the nature of which may be outlined.

The average manor, then, in its outward aspect was a piece of land containing some five or six thousand acres, which the owner held either directly from the king, or indirectly from him through a mesne lord. On it was the manor house, sometimes a large and commodious building occupied by the owner, or lord, in person, sometimes a simple structure, hardly better than those of the villains, and inhabited by the lord's bailiff. Around this house were the lord's outbuildings, garden, and sometimes separate pasture for his animals. The rest of the land was either arable land and pasture, waste land which could not be profitably cultivated, or woodland. Nominally the waste and the woodland could be disposed of at the will of the lord, provided he left sufficient pasture for the free tenants, but in practice the other dwellers on the manor were authorized by custom to graze their cattle on them or use them in other ways, a privilege for which they usually made a small annual payment. The arable land was divided sometimes into two, but generally into three, large fields, and was cultivated according to the well known “three field system”: each field in turn being sown with a winter crop, the next year with a spring crop, and the third year lying fallow. A part of the land in

<sup>1</sup> Pollock and Maitland, I, 584ff.

each of these fields was retained by the lord for his own use; it was known as the "demesne" or "demesne lands". The rest was either in the possession of freeholders, or was held of the lord by the villains; and both these classes of tenants rendered services to the lord that varied "according to the custom of the manor". The owner, or lord of the manor might be the king himself, who was a very large landowner, or one of the great barons who had many other manors besides, and who appointed bailiffs and other agents to manage them for him; he might be some private man who, having no other land, lived on the manor and managed it himself; or the lord might be no single person but some religious house; or again the ownership might be divided between the joint heiresses of a former lord. Still the average manor was held together as an agricultural unit; and accounts were kept for it by the lord's bailiff as a separate whole, and carefully drawn up in Latin every year about Michaelmas.

But the term manor implied not only an expanse of land variously divided between the lord and his free and unfree tenants, with its separate organization of agricultural operations; it implied, furthermore, certain jurisdictional powers of the lord over the other occupiers, powers which he exercised through the manorial court.

Twice a year this court met as view of Frank-pledge or Court Leet. It was holden on these occasions not only for seeing that the law of Frank-pledge was executed, which required all the males over twelve years of age to be in a tithing, but also for the presentment and punishment of all other breaches of law that were not serious enough to be considered felony. When such was the business of the court, the lord, or his steward, was the only judge; and he derived from it a very con-

siderable power over his tenants, as well as an increase of revenue from the manor in the way of fines, and amercements.

Besides these meetings the court came together on most manors once every three weeks for the transaction of other business, and was then called by another name. Sometimes it was called the Halimote or Hallmote from the place of meeting, sometimes the *Curia Privata* or Private Court, sometimes the Customary Court. But the difference in name indicated only that a different kind of business was to be attended to, not that it was really a different court. In the thirteenth and fourteenth centuries "we cannot discover two courts or two methods of constituting the court. Freeholders and serfs are said to owe suit to the same Halimote, and so far as we can see the 'curia' which pronounces judgment is always the same body."<sup>1</sup> On some manors, indeed, all business of whatever nature seems to have been transacted on the days that the Court Leet met, as, for example, on those belonging to Ramsey Abbey. The Halimote, as well as the Court Leet, was presided over by the lord, or more frequently by his steward. He was not, however, the judge; the attending tenants themselves judged the cases that were brought up, and a committee of them assessed the fines that were imposed. When held as a Halimote the court busied itself chiefly with the affairs of the villains. In it were entertained personal actions for amounts less than forty shillings, actions relating to villain tenements, sometimes, but very seldom, actions for the recovery of freehold land, and cases where the lord sued his villains for non-performance of their services. Sometimes also cases were presented and punished in

<sup>1</sup> Pollock and Maitland, I, 581.

the Halimote that more rightly belonged in the Court Leet. It was characteristic of the Halimote that in it were discussed and regulated by by-laws all questions of general interest to the body of the tenants, such as how many sheep a tenant was entitled to graze on the common, the time for admitting the cattle to the stubble, etc.

All the tenants on the manor, whether they were freeholders or villains, had to attend the court; for "mere tenure gives to every lord who has the means of exercising it jurisdiction over his tenants";<sup>1</sup> and bringing suit in another court was punished by a fine. It was seldom that distinctions were made between freemen and villains; unless the question at issue concerned the lord, the same justice was meted out to members of both classes. According to law, indeed, the lord could compel only his villains to serve as jurors; but in practice the free tenants frequently did serve, partly because they were interested in seeing the custom of the manor maintained, and partly because they preferred to undertake the duty rather than offend the lord by refusing to do so.<sup>2</sup>

Suit of court was no light burden. It was an expensive as well as a wearisome obligation; for whatever the work was that the tenant might be engaged on, he must leave it when summoned to the meeting of the court, though he should not receive the summons before midnight. If he failed to attend, he was liable to be fined, and such fines added considerably to the lord's perquisites. During the meeting of the court he might be required to present the offences of his neighbors, and to serve with his fellows as doomsman to judge those presented by the lord's bailiff. When appointed he had to

<sup>1</sup> Pollock and Maitland, I., 572.

<sup>2</sup> *Ibid.*, I., 581.

serve on a jury to inquire into neglect of duty by the lord's agents, or to determine a neighbor's title to land. Attempts to be freed from suit of court were therefore frequent, attempts that were usually successful, however, only on the payment of a very considerable sum. But there were occasions when attendance at court might be regarded rather as a privilege than a burden. For it was there that the "custom of the manor" was determined or interpreted, and so a limit set to the rights of the lord; it was there that the by-laws were made in which all the inhabitants of the manor were interested; it was there that transfers of land held in villainage usually took place; and it was there and only there that the villain found protection of his title to land.

What has been said makes it apparent how great was the outward similarity in rural England in the thirteenth century between the condition of the small freeholders and that of the villains. Side by side they often worked together on the lord's demesne, or performed the duties of the manorial court, or assisted each other in the cultivation of their own holdings. It is true that in most cases the services of the freeholders were lighter than those of the villains; sometimes, indeed, they performed none at all; but very often the labor supplied and the dues paid by the members of the two classes differed neither in quantity nor quality, so that to distinguish the status of these sons of toil, whose lives ran so nearly in the same channel, was no easy matter. And yet a difference of condition there was: The essence of villain status consisted in the subjection of the person and the personality of the villain to the uncertain will of his lord, a subjection that manifested itself in three ways.

First, the villain was bound to remain on the manor till his lord consented to his departure.

Second, he was bound to render service to his lord in the manner and to the amount that his lord should command.

Third, he was bound to surrender to his lord any or all of his personalty, if his lord saw fit to seize it.

It is true that in the thirteenth century this subjection was in large measure limited by the custom of the manor, but there still remained a considerable uncertainty as to the disposal the lord might make of his villain's person and possessions. So long as this uncertainty existed, it was impossible for the king's court to determine the degree of a villain's subjection; and, as a consequence of extreme importance, the only protection against his lord that the law of the realm afforded him was protection "in life and limb." His lord might not kill him nor maim him; but he might beat him, confine him, eject him from house and home, or otherwise dispose of his person as caprice dictated, and the law would afford no remedy. In spite of the outward similarity, therefore, between the condition of many freemen on the manor and that of the villains, the difference between them in reality was great. The lesser freeholders it is true spent their lives upon the manor, rendered suit at the manorial court, performed many kinds of labor for the lord, and sometimes were accustomed to render him a portion of the produce of their land and the increase of their animals; but they were at liberty to remove from the manor, or to give up their holdings and cease their services when they pleased. Their services and payments, moreover, even while they remained there, were definitely fixed and not dependent on the will of the lord; and therefore the king's court was able to afford, and did afford them protection against further exactions.

Since the essence of villainage, then, in the middle of



the thirteenth century consisted in the villain's subjection to his lord's will, and since certain limitations to the exercise of that will were imposed by custom, it is necessary to point out how those limitations worked in regard to the three obligations through which the status was manifested.

Of the three perhaps the most important was the villain's obligation to remain on the manor until his lord consented that he might go elsewhere. He was *adscriptus glebae*, bound to the soil. As a rule the lord permitted him to hold land, which he might cultivate for himself, and, as will be seen, required of him in return for it a great deal of labor on the demesne. It does not seem, however, to have been very difficult in the latter part of the thirteenth century for a villain to obtain the necessary permission if he wished to go away. There had been a gradual increase of the population on the manors, and as the lord could make no use of the increase, a small payment, often merely nominal, such as a horse shoe or a bushel of grain every year, would suffice to secure his consent to the villain's departure. This payment was known as "chivage" or "head-money"; and when he accepted it, the lord usually stipulated that the villain should continue to acknowledge that he was a villain, and should return to the manor when requested to do so. But permission to go away, though easy to secure, was comparatively seldom sought. The means of earning a living in the great world to which he were a stranger were too few and uncertain to tempt the villain strongly; and the increasing number of "assarts"—plots of land newly reduced to cultivation—that are shown by manorial extents of that period, testify to the villain's preference to stay by his work at home, rather than fly to labors that he knew



not of. Important, therefore, as was this obligation to remain at home, the lack of *Freizügigkeit*, as the Germans call it, one must not regard it as being at that time very oppressive. The pettiness of the sums paid as chivage shows that as a rule the restrictions imposed by his status on a villain's freedom of movement were almost nominal; the real restriction at that time was of an economic nature, and consisted in a lack of demand for his labor elsewhere.

Based on the same principle as chivage and equally showing the obligation of the villain to remain on the manor was *merchet*, a payment made by the villain if he wished his daughter to marry a freeman or a villain on some other manor, and regarded as a remuneration to the lord for the loss of the girl. Like chivage it was small, being seldom more than sixpence in the latter part of the thirteenth century, and the lord's refusal to accept it and permit the marriage seems to have been of rare occurrence. Occasionally *merchet* was exacted from freemen,<sup>1</sup> but instances of it are few and the payment of it was looked upon as peculiarly characteristic of villain status. The principle upon which chivage and *merchet* were based perhaps also underlay the payment of *leyrwite*, which was exacted from the villain in the event of his daughter's incontinency. It was certainly the basis of the fine imposed if he sent his son off to school—truly a rare event in those days—or if he wished him to take holy orders, which might happen more frequently.

And not only could a villain not depart from the manor, but there is reason for believing that he could not even enter into an agreement with outsiders without his lord's permission. This is indicated by the fine

<sup>1</sup> Vinogradoff, "Villainage in England", 154.

called *gersuma*, which he had to pay on completing an agreement.<sup>1</sup> If, however, he did enter into such an agreement, whether with or without his lord's permission, he could enforce it against the other party; for in relation to every one except his lord the villain was treated as a free man.<sup>2</sup>

The second of the villain's obligations served as the chief motive of his lord in insisting on the first: he must serve his lord as his lord should command. In the manorial documents of the thirteenth century the obligation was seldom stated in this way. On the contrary the greater part of the services rendered were regarded as being due by reason of the villain's tenure; he worked for his lord not because he was of villain status, but because he held certain land of the lord, and in return for that land the lord was accustomed to receive service. But the lord could force him to hold this land and therefore to work; or he could move him from one piece of land owing light services to another owing heavier ones. Moreover, the lord could and sometimes did alter the amount and the nature of the villain's services even without changing his holding. Indeed instances occur in which the lord sold his labor and even his person off the manor altogether. In practice, however, this obligation of the villain was not so oppressive as a simple statement of it would imply. For in this matter particularly, the lord's will, though not controlled, was strongly influenced by the custom of the manor; and this custom ruled that the villain must render services, indeed, but need render no more than had been due from his predecessors on the land he occupied.

<sup>1</sup> Cunningham, "Growth of English Industry and Commerce", I., 612n.

<sup>2</sup> Pollock and Maitland, I, 402, 403.

Before the lord could force him to work, therefore, he should according to custom force him to hold land; and before he could change his work, he should change his land. The manorial records mention but one kind of labor as being due from the villain by reason of his status instead of his tenure: that, namely, of serving as reeve. And even this seems as a rule to have been performed by villains that held considerable tracts of land; still liability to be called on for it was regarded as a proof of villain status.

On the third of the villain's obligations the effect of the manorial custom was in many respects analogous to its effects on the others. As he was denied by common law all freedom of movement, so also he was denied all freedom to dispose of his possessions. It is true that in relation to all men except his lord, he was treated as if he were free, in actions concerning his possessions third persons had to deal with him as if he were the owner of them.<sup>1</sup> But according to the law of the realm he had no property rights whatsoever that his lord was bound to respect. Whatever the villain possessed belonged to his lord, whatever he produced or acquired he produced or acquired for his lord, provided that his lord chose to seize it. If the villain by any means came into possession of a freehold, it might be seized by his lord; if he received chattels through purchase, gift, or bequest, his lord might claim them as his own. If the villain squandered or alienated his goods and chattels without permission, he was liable to punishment on the ground that he was wasting his lord's property. Such was the law; but in practice we find the villains buying, selling, holding, and enjoying the goods of this world with little interference on the part of their lords. Some of them

<sup>1</sup> Vinogradoff, "Villainage in England", 68.

even acquired considerable wealth, as is shown by their being able to purchase from their lords important rights and exemptions, such as freedom from laboring on the demesne or freedom from suit of court or the lord's promise that they should not be compelled to take an undesirable holding. Had the practice conformed to the law, the lord might have seized the purchase money without granting such privileges in return for it.

In reality the occasions on which a lord might seize his villain's goods were fixed on each manor by custom, a custom that was seldom transgressed. If the lord did transgress it, however, the villain had no legal remedy; so far as the king's courts were concerned he was utterly unprotected in the possession of his goods. "To fix in precise terms the degree of binding force that the lords in their thoughts and their deeds ascribed to the manorial custom would be impossible. Generalizations about the moral sentiments of a great and heterogeneous class of men are apt to be fallacious, and when a lord pays respect to a custom that cannot be enforced against him by any compulsory process, it will be hard to choose between the many possible motives by which he may have been urged; provident self-interest, a desire for a quiet life, human fellow feeling for his dependents, besides his respect for the custom as a custom, may all have pulled one way."<sup>1</sup> But whatever it was that gave its binding force to the custom of the manor, such a force it had; so that the pressure on the villains by reason of their subjection "did not depend on the caprice of the lord, though it depended theoretically on his will."<sup>2</sup>

Now although the customs of different manors were

<sup>1</sup> Pollock and Maitland, I, 359.

<sup>2</sup> Vinogradoff, 176.

at variance on many points, they were very generally in agreement as to the occasions when the lord might seize the villain's goods. It might be done, as one would naturally suppose, in the event of any grave violation of the custom by the villain himself, as, for example, his refusal to perform the labor he owed, or his denial that he was the lord's villain, or his continued absence from the manor without permission. But it was not left to the lord in such a case to determine whether the villain had failed in his duty; that was decided in the manorial court, where the villains themselves acted as judges and stated and interpreted the manorial custom. It was only after the lord had brought suit and obtained judgment that custom warranted him in depriving the villain of his goods for neglect of duty.

The villain's lack of property rights is more clearly shown by his liability to be called on for tallage. This was a kind of tax which custom sanctioned the lord in levying, and which the villain had to pay out of his possessions no matter by what means he had acquired them. In the surveys and extents in which the customs of manors were recorded, it is usually said that the lord can levy tallage whenever he pleases and in as large sums as he pleases, and a perusal of the yearly accounts kept by the lords' stewards and bailiffs shows conclusively that the sums drawn from the villains as tallage differed considerably from year to year. The lords, it is true, seem to have avoided great exorbitance in their exactions, but they held firmly to the principle that, if they chose, they could tallage the villains to the whole extent of their possessions. It is seldom that the occasions for paying tallage are mentioned and fixed except on the manors of Ancient Demesne (which belonged, or had once belonged, to the crown); more

often it is said that the lord can tallage his villains "de haut en bas", that is, as often and as high as he chooses.

In addition to tallage, the villain frequently had to render to his lord a certain percentage of the increase of his livestock. Thus at Upwood, a manor of Ramsey Abbey, the larger landholders among the villains had yearly to give to the Abbot the second best of every ten pigs they possessed.<sup>1</sup> Furthermore, if the villain wished to sell any of his cattle, a calf or a horse, he had to make a payment to his lord to win his consent, a payment which developed into a fine on the alienation of that form of personal property. Fines were also imposed upon him for any needless dissipation of his possessions, as when by some misbehavior he had incurred a fine in the church court and thus "diminished his lord's goods." Many other payments there were, sometimes of whimsical name and doubtful nature, that the villain must make; but they seem to have been due by reason of his tenure rather than his status; or else they were of a political or an ecclesiastical nature, and were a burden upon the freemen as well as upon the villain.

Now the lord benefited little from the villain's presence on the manor, unless he received from him goods or labor. Since, then, the occasions when he seized the villain's goods were few and fixed by a custom that he seldom ventured to transgress, it is obvious that the institution of villainage was chiefly intended to insure an abundant supply of labor for the cultivation of the demesne, labor that was regarded, however, only as a return for land assigned to the villain for his own use. In the accounts that give a description of the working of the manor from year to year, we do not find

<sup>1</sup> *Cartularium Monasterii de Rameseia*, Ed., Hart and Lyons, I, 346.

villains rendering labor if they held no land. But, on the other hand, we do find men on the manor holding land who yet rendered no labor. In practice, therefore, whether the tenant worked for his lord or not depended on the nature of his tenure and not on his status. Thus it not infrequently happened that the tenant was a villain and was in possession of a freehold, so that he owed little or no labor; whilst on the other hand he might be a freeman who had taken land to hold in villainage, for which he was obliged to assist at the work on the lord's demesne. It was natural, therefore, that the lord should be more concerned about the nature of his tenant's tenure than about his status.

That tenure through which the lord derived the greater part of the labor he needed was known as Customary Tenure, Villain Tenure, or Tenure in Villainage, *in villenagio*. Other words were sometimes used. The tenant might be said to hold *native* or *in servitute* or *in bondagio*, but these seem all to have meant exactly the same thing.<sup>1</sup> The essence of this tenure was that the tenant performed villain services<sup>2</sup>; and the difference between these and the services of a freeholder consisted, as has been indicated above, not in their character nor in their amount—for the freeholders sometimes performed as much agricultural labor for the lord as the villains—but in their uncertainty. The typical tenant in villainage did not know in the evening what he would have to do in the morning; he might know the amount of labor that would be required of him, but he did not know how it would be applied.<sup>3</sup> That he would be employed in the agricultural operation on the

<sup>1</sup> See below, p. 376-378.

<sup>2</sup> Pollock and Maitland, I, 343.

<sup>3</sup> *Ibid*, I, 353.



demesne he might be quite sure; for in the many hundreds of reports left by the manorial bailiffs we find villains seldom employed in any other way; but these operations were of sufficient variety to leave large room for uncertainty.

In speaking of these predial services one thing should be especially emphasized: the amount of labor due from land held in villainage differed greatly on different manors. Why this should have been so, it is often impossible to say with certainty. We may suppose that on some manors the smallness of the demesne in proportion to the number of villains rendered the services of each one lighter; but generally this explanation would not hold good, for when the work that according to custom the villain should do for his lord was not all needed, he could be made to pay for that from which he was excused. We may suppose, again, that some lords in sudden straits made concessions to their villains to win their assistance; and other lords may have done the same out of charity. It is noticeable that the duties of the villains on the manors of the king were usually light. The same is true of the estates of the Duke of Lancaster in the fourteenth century, while the Earl of March seems to have been much more exacting. Very seldom, however, can we account for the difference by the character of the lord, for it is often to be observed on manors owned by the same lord. Thus Anstey, Hants, and Erbury, Suffolk, both belonged to Battle Abbey; yet in the first half of the fourteenth century the villains at Anstey performed no predial services, whereas at Erbury the bailiff was entirely dependent on their labor to cultivate the demesne. Other reasons, such as the dishonesty of the steward or the poverty of the tenants, may here and there have caused an unusual



lightening of labor dues. But these explanations can only be suggested, and the difference of the customs of manors must in most cases be left to conjecture. Greatly, however, as the custom of one manor varied from that of another in this regard, it was understood on each before the thirteenth century ended how much labor a villain holding land there should be called on to do.<sup>1</sup>

True the lords sometimes violated the custom of the manor and demanded more labor than the villains had been wont to perform, but the great care that the lords took to have the services customarily rendered by their tenants recorded in the manorial extents is in itself sufficient to show that they intended the custom to be observed.

Knowing then that his labor would be agricultural, and knowing also the amount of it, the only ground of uncertainty left for the villain was as to how it would be applied. This was decided by the lord's bailiff at his discretion. Every year at Michaelmas this official rendered an itemized account of how the labor of every villain had been utilized, just as he did of all the other receipts and expenditures of the manor.

In these accounts the bailiff generally divided the work days—which were called simply "*opera*," or "works"—into four classes. The first consisted of the *opera hiemalia*, or winter works, and fell due between Michaelmas and Whitsuntide. During this season the villain that held a virgate of thirty acres had to work on most manors three days a week for the lord; those that had less land had to do proportionally less work. After Whitsuntide the *opera estivalia*, the summer works, were due. They were as a rule not harder than the winter works, and differed from them only in being

<sup>1</sup> Vinogradoff, 176.

spent chiefly out of doors in such operations<sup>7</sup> as hedging, ditching, mowing, or weeding; while in winter the bailiff had employed the villains indoors in threshing the grain, sharpening the stakes for the hedges, or such like work. It is noticeable that the greater part of the ploughing, which was the heaviest work on the manors, was not done by the tenants in villainage, but by men that were specially employed for the purpose, and that were given a small plot of land to hold while they held the position of ploughmen, and were supported for the most part by rations issued to them by the bailiff. Comparatively little of the work done by the villains consisted of team work; they performed *Handdienste* much more than *Spanndienste*.<sup>1</sup> The third class in the bailiffs' accounts, and the heaviest, was the work done at harvest time, the *opera autumpnalia*. For about two months from the first of August the holder of a

<sup>1</sup>This is evident from the number of ploughs and ploughmen that the bailiffs usually maintained for the cultivation of the demesne. Walter of Henley says that in the Three Field System one plough requiring two men to run it would suffice to cultivate 180 acres. The manorial records show, however, that it seldom did so much. At Great Shelford, for example, in 1350, the villains ought to have ploughed altogether 182 acres. But on account of the plague they ploughed only 62; they were excused from the rest, "eo quod potuit fieri per carucas domini si expedissent" [sic]. As only 220 acres were sown, and as four plowmen were maintained, that is, two ploughs, it seems that one plough had to make haste on this manor to cultivate 100 acres. But even if the average plow could do more than this, there were enough special ploughmen maintained on most manors to cultivate the demesne with little assistance from the villains. Thus the Ministers' Accounts for the following manors, preserved at the Public Record Office, show that:

At Wilton, Bucks, . . . . .	1342, 230 acres were sown,	8 ploughmen maintained
" Steeple Claydon, Bucks, . 1366, 111	" " "	4 " "
" Stevenage, Herts, . . . . 1343, 275	" " "	4 " "
" Framlingham, . . . . . 1326, 280	" " "	6 " "
" Clare, Suffolk, . . . . . 1336, 600	" " "	10 " "
" Lidgate, Suffolk, . . . . 1347, 500	" " "	8 " "
" Hoton, Essex, . . . . . 1343, 325	" " "	6 " "
" Soham, Cambs, . . . . . 1344, 277	" " "	4 " "

virgate not only must work himself four or five days a week for his lord, but he must often find one or two other men and pay them to do the same. After the harvest was finished, however, he was required to do no more work before Michaelmas than he had done during the winter. The fourth, and last, class was made up of the *opera precaria*, or "boon" works, which had at one time, as the name indicates, been performed as a favor to the lord, but which had come to be regarded as a regular part of the villain's obligations. As boons the villain usually spent a few days in plowing in the spring and autumn and a few more in the harvest with all his family except the grown female members. On some of these boon days he received food or a small gratuity in money from his lord, on others he received nothing; but if he failed to do his duty on any of them he was fined.

Sometimes in his accounts the bailiff divided the works not into four classes as above, but into *opera parva*, those due on the shorter days of winter, and *opera grossa*, those due in summer. Sometimes, again, he named the works not according to the season when they fell due but according to the way they were used. The tendency to name them thus grew gradually stronger, for it became ever more and more usual to employ the same villain with the returning seasons in the same way; and thus the uncertainty of the service which had served to mark the tenure as unfree became gradually less. Yet so long as the services consisted chiefly in agricultural labor, it was difficult to define with absolute certainty beforehand how they would be applied, so that labor services were almost necessarily unfree services.<sup>1</sup>

<sup>1</sup> Pollock and Maitland, I, 354.

It must be conceded, however, that on many manors in the last half of the thirteenth century the degree of uncertainty was very small. Indeed there were already some tenants in villainage that had commuted their labor services for fixed annual payments. But this definite fixing of their services did not change their tenure from villainage to freehold. When once it had been established that the tenure by which a certain piece of land was held was unfree, no change in the nature of the services was sufficient to make that tenure free.<sup>1</sup> Land once in villainage remained in villainage, unless the lord expressly conceded that the tenure should be altered. It would have been well for the villain if this rule had worked both ways, if the tenement once free must always remain free. But such was not the case. For while it is true that villains were sometimes permitted to hold land freely, it is also true that if the lord chose, he might seize the villain's freehold, and force him to hold it henceforth in bondage.<sup>2</sup>

It was in such labor services as have been outlined, varying, as has been said, in amount and in certainty on different manors, that the duties of the tenant in villainage chiefly consisted. There were, however, additional services imposed by his tenure which, although not so severe, were yet distinctly felt and were sometimes the cause of trouble between lord and tenants. Prominent among these was the duty of grinding corn only at the lord's mill and paying there the customary toll. Another was the tenant's obligation to pen his sheep at night in the lord's sheepfold to increase the amount of manure for the demesne. On some manors there were yet others of slighter consequence.<sup>3</sup>

<sup>1</sup> Pollock and Maitland, I, 357.

<sup>2</sup> See cases at Stevenage, below, p. 325 n.

<sup>3</sup> See Vinogradoff, 164.

In addition to all this the tenant in villainage had to make to his lord a number of small payments in money and in kind. These were many, various, and often of uncertain origin. Some of them were apparently given in commutation of a part of the labor services; others were of the nature of an annual money rent; but the nature of some, as "boosing silver" and "wether silver" can hardly be conjectured. At Christmas and Easter the tenant made his lord presents of poultry, eggs, and sometimes sheep or pigs. If he failed to bring these presents after they had been usual for a long time, the manorial custom was shocked, and the lord was held to be justified in seizing them. The sum of all these payments and presents, while it was, like the amount of labor to be done, different on different manors, was yet decidedly felt on all, and sometimes became a severe tax on the tenant's resources.

Such was the nature of villain services in which the essence of villain tenure consisted. Following from their one time uncertainty was a characteristic of the tenure of great practical importance: it was not protected in the king's court.<sup>1</sup> To the freeholder the law of the realm afforded protection in the possession of his land; to the tenant in villainage, if he was ejected from his holding, whether he was a free-man or a villain, the law gave no redress. In the eyes of the law the lord of the manor was the owner of the villain land as truly as he was the owner of the demesne, and to him alone it offered protection. He might himself cultivate the land, lease it for a term of years, permit it to go to waste, or let it to his villains and exact from them whatever services he pleased and eject them at will, all without interference from the

<sup>1</sup> Pollock and Maitland, I, 343.

king's officers. There was, indeed, one class of manors upon which villain tenure was not precarious. These were the manors of Ancient Demesne, those manors that had belonged to the crown at the time of the Conquest or "on the day when King Edward the Confessor was both alive and dead." It mattered not what lord had become possessed of one of these manors, he could not tallage the villains on it except when the king tallaged his own villains; he could not exact from them more services than they had been accustomed to render, and he could not eject them so long as they performed their customary duties. The tenant on Ancient Demesne found in the king's court a protection that made him as secure in the possession of his land as a freeholder.<sup>1</sup>

And in fact on other manors the tenure of customary land, as that held by villain tenure was called, was not so precarious as a mere statement of the law might lead us to suppose. Against all except the lord the tenant found protection in the manorial court. The lord himself, of course, this court could not bind, and it sometimes occurred that he seized the villain's land, a proceeding for which there was no remedy unless it were in riots and insurrections. But such occurrences were rare. The lords maintained, but seldom exercised, the right to eject their villains so long as the services were duly rendered and the tenements were not wasted.<sup>2</sup> The same binding force of the manorial custom that protected the villain in his person and his personalty gave him some protection also in the possession of his land.

But the tenant in villainage was in no sense the owner

<sup>1</sup> For an explanation of this, see Pollock and Maitland, I, 383 ff.

<sup>2</sup> Pollock and Maitland, I, 360.

of the land he held, and his use of it was controlled by his lord in many ways. He was obliged to keep the buildings, hedges, and ditches in repair; he could not cut down the timber on it; he was not allowed to change at his discretion the cultivation of any portion of it. At the same time by reason of his status, if he were a villain he was unable to give up the land without his lord's consent, though if he were a freeman of course he might surrender it when he chose. If he wished to dispose of it to another, he had first to learn whether his lord was willing to receive that other as a tenant, and then he had to pay a fine for permission to make the transfer. He could not determine who should receive the land at his death. That was done by the custom of the manor subject in some degree to the will of the lord. Sometimes the heir was the villain's widow, who held the land until her death or until she married again; sometimes it was one of his sons, the youngest on those manors where "borough English" prevailed; sometimes, though very seldom, the holding was divided amongst his children. But whoever the heir might be, he did not receive the whole of the villain's possessions. He had to give up as a "heriot" usually the best beast and sometimes all the live-stock. Thus a heriot as paid by the tenants of the Bishop of Lichfield consisted of the best head of horned cattle, all horses, the cart, the caldron, all woollen cloth, all the bacon, all the swine except one, and all the swarms of bees; whereas on the manors of Battle Abbey villain tenants that owned no oxen paid no heriot at all.<sup>1</sup> After surrendering a heriot the heir had still to pay a fine on being admitted to the holding which as a rule was about

<sup>1</sup> Vinogradoff, 160.



equal to a year's value of it, though the amount of it varied on different manors.

The nature of villainage as it was in the thirteenth century will perhaps be made clearer by a contemporary description of a typical manor and of the duties of the tenants on it.

In the year 1252 a careful inquiry was made into the condition of certain manors in Huntingdonshire belonging to Ramsey Abbey, and a detailed account of them has been preserved and is printed in the Ramsey Cartulary. The account of the manor of Upwood and Great Raveley<sup>1</sup> begins with a description of the chapel and an itemized statement of the vicar's salary, which consisted almost entirely of agricultural produce, and was paid partly from the demesne and partly from the land of the tenants. There follows a list of names of the fields, or rather plats, that make up the demesne; "and the whole of this demesne can be cultivated by seven ploughs together with the customs of the villains, which are estimated at three ploughs through the year." Then comes a list of the plats used as pasture and never sown. After this, "The woods belonging to the said demesne are three, viz: Bottenhale, Uppenhale, and the wood called Raveley Wood; in which wood of Raveley all as well the free-men as the villains of Upwood and Raveley have right of common, except at the time when the deer cast their young, because the greater part of said wood is outside the banlieu. Also in the wood of Uppenhale John de Clervaux, Alexander Monk, and the heir of Thomas de Raveley [free tenants] have right of common with their plough beasts when the beasts of the Lord Abbot graze

<sup>1</sup> *Cartularium Monasterii de Rameseia*, ed. Hart and Lyons, I, 340-351.



there and at no other time ; for which right of common, if they use it, each of them shall do one day's ploughing at the time for barley sowing. In the same wood the reeve, beadle, and six "acre men" [ploughmen] shall have right of common with one male beast grazing after the Abbot's. And in that wood and in Bottenhale no one shall have right of common from Michaelmas to Martinmas, at the time when there is an abundance of acorns, except the Lord Abbot. But all shall have right of common in Bottenhale at other times except William Monk and his tenants, who have no right of common in Bottenhale and Uppenhale." Next are given the limits of the marsh within which the inhabitants had right of common. The lord's own cattle, which seem to have been more favored on the commons than the cattle of his tenants, consisted in two bulls and forty cows with their calves, sixty sheep, two wethers, and twenty-six hogs. "And all the sheep of strangers and of others of the village that have no land, which graze the lord's pasture, shall lie in the lord's sheepfold and not elsewhere."

"In the vill of Upwood and Great Raveley are eight hides, one and a half virgates of land, besides the demesne which contains it is not known how much. And four virgates make a hide and thirty acres make a virgate."

Now let us see how these one thousand and five acres are divided among the different classes of tenants. At the head of the list of occupiers there are, as there were sixty years before<sup>1</sup>, three freemen. These tenants in the course of the thirteenth century have become more dependent on the Abbot than their grandfathers had been. It was said of them in the time of King Richard I. that

<sup>1</sup> Cart. Rams., III, 270.

they owed suit to the courts of the county and hundred ; but now they owe suit to the Abbot. The first of them, Alexander Monk, holds one hide for which he does homage to the Abbot, and "forinsec service" ; and he and all his tenants must come to View of Frankpledge, "and the Abbot shall have the fines for their transgressions." Moreover, he must do three days ploughing for the Abbot with one plough at least, and with two if he has them ; and each of his tenants must find a man to work for the Abbot one day in harvest, and must plough for him one day, if they have ploughs ; and he or his bailiff must act as overseer for the Abbot for one day in harvest. Another freeman, John de Clervaux, holds half a hide for which he is bound to heavier services than Monk. He holds, besides, an "assart," *i. e.*, a piece of land formerly waste but now reduced to cultivation, and should pay two shilling a year for it, but refuses to do so. Five other assarts he holds without service, giving for them ten pence at Michaelmas. He is in possession of another plat of land without warrant which formerly four villains used to hold ; and he has exchanged with a villain of the Abbot a piece of sterile for a piece of good land that lies more convenient for him. On the whole, if John's services for his original half hide have been increased, he seems to be intent on making it up in another way. Not so the third freeman, known as the heir of Thomas de Raveley. He holds two virgates for which he does homage and suit of court, and "forinsec service," and he gives for each virgate six shillings a year. He must plow one "sellion" a week from Michaelmas to the first of August, except two weeks at Christmas and one at Whitsuntide, and he must come besides with his plough to all the "boon" ploughings. For a piece of pasture which he hold he pays three

measures of honey. Along with the villains he used to give twelve pence as tallage at Michaelmas, and at Easter as much as a virgate holder gives, "the which through the favor of Walter the Prior, Stephen then the Cellarer, and David de Burg, till now has been remitted, so that the body of the villains unjustly and to their great appression has paid it." He shall also come in arms at the summons of the Abbot.

The rest of the land is held in villain tenure, and it is sometimes amusing to note the minuteness with which the services due from the occupiers are itemized. Nicholas the son of Herman holds one virgate of land, and he pays for it in small sums known as "fishsilver," "wether silver," "wardpenny," etc., altogether about fourteen and a quarter pence a year. He pays also sixpence a year as sheriff's aid. He must give two-pence as "pannage," that is, for permission to let his pigs run in the woods. Out of every ten pigs he possesses, the lord takes annually the second best; he gives a cock at Christmas, five eggs at Easter, and four bushels of oats. Because of his villain status he is bound to give tallage, merchet, leyrwite, and gersuma when due. He is also liable for hidage; and at his death, by reason of his tenure, the Abbot is entitled to a heriot. The rest of his rent is paid in labor. "He shall perform three works a week from Michaelmas till the time for weeding [the grain] whatever labor shall be commanded him; and on a fourth day he shall plough one strip, whether he joins his team with another's or not." The amount he is expected to accomplish at one *opus* is carefully defined: "He shall thresh twenty-four sheaves of wheat or twenty-four of rye, thirty of barley, oats, peas, or beans. If he has to cut a new ditch, he shall do one rod three feet deep and five feet wide at the

top and two feet at the bottom; in [opening] an old ditch, he shall do two rods of the same depth and width." Between Michaelmas and Hokeday he shall gather four fagots of sticks and carry them to the manor house, and after Hokeday he shall gather and carry five [as an *opus*]; and whenever he gathers sticks in the marsh or the wood, he shall carry four fagots to a convenient place where the cart of the manor house can get them. He shall do the same about gathering material to make the enclosures for the fields as about getting wood. He must get five bundles in Raveley wood and six in Uppenhale and Bottenhale [as an *opus*] and take them on his back to the places that need to be enclosed. And in hedging, an *opus* shall consist in building thirty-four feet of the enclosure; an *opus* at harrowing consists in laboring from morning to evening in winter and from morning to sunset in spring; at wheat sowing, of ploughing one strip; at barley sowing of ploughing and harrowing one strip with the help of a neighbor, if that is the way he works his own land. He shall do "boon" ploughings as often as he is summoned. If the ploughing is ever omitted on account of unsuitable weather, he must make it up at another time. In weeding, an *opus* shall consist in working the whole day; but in mowing he has to work only until noon, except that he must gather in the afternoon, if necessary, the hay he has cut in the morning; and if he is set only to gathering hay, he must work the whole day. In addition to his weekly labor he and the other virgate holders have to mow the meadow called Benemedede, and they are paid altogether eight pence for doing so. Furthermore, with the help of one other virgate holder, he shall carry four cart loads of hay from the meadow of Northwode to the

manor house and two cart loads to Ramsey. He shall gather forty bundles of rushes in the marsh, which he shall carry to the manor house in his own cart; and if the marsh is too deep for his cart, he shall have the use of the Abbot's boat without pay. He shall serve as a messenger as often as and whithersoever it may be ordered; and if he returns the first day, it shall not be allowed him as one of his regular *opera*, but as long as it takes him after the first day he shall be free of other work. When the time for harvesting the grain arrives, he shall not only work for the Abbot five days a week, but he shall provide two other men to do the same. And he shall do the same amount after harvest, except that he has to provide only one man, till the Feast of the Nativity of the Virgin, doing whatever may be commanded him; but if he has had to do any harvesting before the first of August by reason of the early ripening of the grain, he shall be excused a like number of *opera* before the Nativity of the Virgin. After that time he shall do four days a week with one man, but he will not have to plough. During the harvest whenever he is ordered he must haul grain to the barn and find a man to take his place in the field. His whole family shall work at the harvest "boons"; at the first "boon" he shall have bread, beer, fresh meat, pottage, and cheese; at the others he shall have a fish, and bread shall be sold to him at three farthings a loaf [instead of a penny.] In addition to all this he must cut a half acre of grain as a "boon"; and two of his free days during harvest must be given as "boons." He must give three more "boon" days before Christmas, Whitsuntide, and the feast of St Benedict, doing whatever work he may be put at. And when he is ordered he must gather a peck of nuts in the woods. If he is

sick continuously for a year and a day, he shall be free from all work except ploughing ;, not so however if his illness continues longer. He cannot sell horse, ox, nor any male animal without leave of the bailiff, except on the day of Michaelmas, when he may sell as many pigs as he can dispose of before breakfast but not after that hour. If his wife survives him, she shall give five shillings as heriot, and shall be free of all work for thirty days ; and if the Abbot pleases, he can commute her labor dues for a money rent. "If he [sic] or his wife or any one else in his house dies, he shall be free of all work except ploughing as long as the body lies unburied." "On the day that he marries he shall entertain in good style, *honorifice*, according to his ability the servants of the manor house with bread, ale, and meat or fish." Such were the duties of Nicholas the son of Herman. It is hard to understand where he got time to cultivate his own virgate. His predecessor in the time of King Richard I. had worked one day less every week the year round, and if he performed any "boons," they were regarded as such, for no mention is made of them in the list of his services.

Twenty-four and a half other virgates are held on the same terms as that of Nicholas, and several of the holders have besides small pieces of land for which they pay a money rent at the rate of about twopence an acre. Then there are seven men called Acremen amongst whom are divided three virgates. They serve the lord as ploughmen every day in the year when it is necessary ; and if ploughing is not necessary, they are to do anything else commanded them. But if one of them fall ill, the Abbot must find a man to take his place at the plough. They must come with their families to "boons" when the virgate holders come ; and must

pay pannage, merchet, leyrwite, and tallage when due. But their widows give no heriot; for on the day after the death of an Acreman, his widow must find a substitute to do the ploughing. Every third year three of them pay nine score eggs at Whitsuntide as a return for material to repair their homes; the other four give for the same only three score eggs.

There are on the manor about twenty smaller holders whose work is lighter. William Hod, for example, has the house in which he lives, and he pays six pence a year for it. Richard le Cowherd has a house and two acres, and he must pay tallage when due, and perform whatever work is assigned him, two days a week throughout the year; he must also carry fowls, eggs, and cheese to Ramsey, and act as driver to the plough whenever he is told. He gives a cock and two hens at Michaelmas, and is liable for pannage, merchet, and leyrwite; but he cannot be called on to guard robbers at the manor house, and his wife surrenders no heriot at his death. Nine other men hold on the same terms as Richard an equal amount of land. Alexander, son of Mabel, holds his house and one acre, and does in all respects as Richard except that he works but one day a week. And Thomas Forester holds his house and croft for which he gives eight pence a year.

Here the account ends. The next glimpse we get of the condition of the villains on this manor is after a hundred and thirty-three years; and in that time it will be seen that great changes had taken place.

Such was villainage in England in the middle of the thirteenth century, and such it remained with little change for another hundred years.



In villainage as a status there seems during that time to have been no change whatever. The rendering of chivage, merchet, leyrwite and gersuma, payments for the lord's permission to take holy orders, and fines for putting a son at school, prove that in the first half of the fourteenth century the obligation of a villain to remain on the manor was as binding as it had ever been.<sup>1</sup> Numerous examples testify likewise to his obligation to take such land as his lord should command and to render the services that according to custom were due from it.<sup>2</sup> Nor had he attained a greater security in the pos-

<sup>1</sup> Thus at Bright Waltham, Berks, in 1344, ten of the villains were paying annually as chivage amounts varying from a horseshoe to two pence.—Public Record Office, Court Rolls, 153/69. At Cuddington, Bucks, in 1331, five villains have left the manor; and it is ordered that if they have not been brought back before the next meeting of the court, their relations shall be distrained in all their lands and tenements.—Public Record Office, Court Rolls, 204/44.

Payments of merchet were frequent and the amounts varied as in the preceding century. At Cranfield, Beds, in 1322, a villain paid six pence.—Court Rolls, 179/220. Another at King's Ripton, Hunts, the same year, paid five shillings.—*Ibid.* At Bright Waltham, 1333, one paid seven shillings and four pence; another paid two shillings; a third, three shillings and four pence; whilst a fourth, in 1340, paid two shillings.—Court Rolls, 153/69. At Woolston, Berks, in 1333, a villain paid one shilling; another, in 1344, paid two shillings.—Court Rolls, 154/77.

At King's Ripton, 1322, there were two payments of leyrwite, each of two shillings.—Court Rolls, 179/220. At Cuddington a woman was fined, in 1331, one shilling as leyrwite; another, in 1332, five shillings.—Court Rolls, 204/44. At Bright Waltham, 1340, there was a payment of only six pence imposed.—Court Rolls, 153/69.

At Woolston, 1332, a villain paid thirteen shillings and six pence for permission to take holy orders; another, in 1340, paid six shillings and eight pence; a third, in 1346, was ordered to pay ten shillings, but was afterwards excused from it.—Court Rolls, 154/77.

<sup>2</sup> At Bright Waltham, in 1335, six widows that had come into possession of their husband's holdings without being able to render the labor that was due, were ordered, if they wished to retain the land, "se providere de maritis". In 1340 J. F., who held a messuage and half a virgate, had to pay two shillings for permission to give up the land, because he was unable to render the services due from it. Three other men at the same time paid six pence each not to be com-



session of his goods; for tallages were still uncertain, and seizures still occurred with sufficient frequency to prove the continued reality of his obligation to surrender to his lord what his lord chose to seize.<sup>1</sup>

But while the personal subjection of the villain to the will of his lord during this time remained unaltered, there has been a widespread belief in recent years that in the nature of villain tenure there occurred a fundamental change. It will be remembered that a large amount of agricultural labor constituted the chief incident of this tenure, that there was, therefore, a considerable degree of uncertainty about it, and, in consequence, it was unprotected by the king's court.

When Professor Thorold Rogers, after an extensive study of the manorial records, published in 1866 the first two volumes of his "*History of Agriculture and Prices*", he expressed the opinion that by the end of the second quarter of the fourteenth century there were few villains still held to the performance of predial services, and that their tenure had ceased to be pre-

pressed to take customary land.—Court Rolls, 153/69. At Woolston, 1340, R. G. gave up his messuage and half virgate, because he could not render the necessary services; whereupon T. S. had to pay three shillings three pence that he might not be forced to take the holding, and another villain paid six shillings eight pence for the same thing.—Court Rolls, 154/77.

<sup>1</sup> At Woolston, in 1326, the tallage imposed on the tenants amounted to 13s. 4d.; in 1336, to 20s.; in 1344, to 30s.; in 1346, to 60s.; in 1348, to 33s. 4d.—Court Rolls, 154/77.

At Girtton, 1322, a villain bought two acres of free land. He was fined six pence for doing so; and had to find men to act as pledges that he would not alienate the land without the lord's consent; another villain at Hemingford was fined forty pence for the same thing; and a third at Hemingford, the following year, was fined 20s. for purchasing only half a rood of free land.—Court Rolls, 179/20. At Stevenage, Herts, 1350, a villain died of the plague after he had become possessed of some free land. The bailiff seized a heriot; but it was decided that the lord was not entitled to a heriot in this case, because he had previously neglected to seize the land.—Court Rolls, 178/48.

carious.<sup>1</sup> He then proceeded to describe the embarrassment of the manorial lords by reason of the increased price of labor after the Black Death; and propounded the theory that to relieve themselves of this embarrassment the lords sought to revive the old system, once more exacted the labor services, and refused any longer to receive the annual payments in money for which they had been commuted.<sup>2</sup> It was, in his opinion, this reactionary and oppressive attempt on the part of the landowners that led to the so-called Peasant's Revolt in 1381. In his "Six Centuries of Work and Wages", published in 1884, he expressed more positively his continued belief in this theory.<sup>3</sup> Bishop Stubbs,<sup>4</sup> Gneist,<sup>5</sup> Green,<sup>6</sup> and other historians agreed with him. But Dr. Cunningham, whose "Growth of English Industry and Commerce" appeared in 1890, expressed the opinion, based on records preserved in the British Museum from four manors, that a general commutation of services for money did not take place so early as Professor Rogers supposed; that, on the contrary, they were commonly rendered throughout the fifteenth century.<sup>7</sup> He acknowledged, however, that a partial commutation had taken place before the Black Death, and agreed with Professor Rogers that the endeavor of the lords to check the process and re-establish the old order was the main cause of the insurrection under Wat Tyler.<sup>8</sup> In 1888, in the first part of his "Intro-

<sup>1</sup> Rogers, *op. cit.*, I, 81.

<sup>2</sup> *Ibid.*, 82.

<sup>3</sup> Rogers, "Six Centuries", 218, 219, 254.

<sup>4</sup> Stubbs, "Constitutional History of England", II, 473ff.

<sup>5</sup> Gneist, "Englische Verfassungsgeschichte", 444.

<sup>6</sup> Green, "Short History of the English People", Revised Edition, 249ff.

<sup>7</sup> Cunningham, *op. cit.*, I, 356, note VII; and I, 360.

<sup>8</sup> *Ibid.*, 357.

duction to English Economic History and Theory", Professor Ashley had accepted Mr. Rogers' theory so far as the time of the abolition of predial services was concerned;<sup>1</sup> but in the second part, published in 1892, he combatted the supposition that the oppressive action of the lords forced the peasants to revolt, and pointed out that the general insurrection of the working class could be accounted for on other grounds.<sup>2</sup> It is only by an appeal to the records kept by the manorial officers themselves that the questions at issue between these writers can be settled.<sup>3</sup> C

From such an appeal it becomes evident that at the end of the first half of the fourteenth century a commutation of labor services for fixed annual money payments had indeed begun, but that it had made very little progress. It is very doubtful whether its further progress until that time would have been possible, even if both lords and villains had been anxious for it; for such a transition presupposes an advance of the economic condition of the country in several directions. V

In the first place, when the lord abolished predial services, if he did not wish to give up cultivating the manor, he must hire enough free laborers to do the work that had formerly been done by his villains. Now whether the class of freemen had increased enough for this it is impossible to say with certainty. That it had grown to some extent there can be no doubt. On nearly every manor there had always been a few men at least who paid the lord small sums for the houses in which

<sup>1</sup> Ashley, *op. cit.*, I, Pt. I (Am. Ed., Vol. I), p. 31.

<sup>2</sup> *Ibid.*, I, Pt. II (Am. Ed., Vol. II), p. 265.

<sup>3</sup> Compare my "Umwandlung der Frohndienste in Geldrenten in England," Baltimore, 1897.

they lived,<sup>1</sup> and who eked out their living by laboring on the demesne or on the land of their neighbors. Aside from the natural increase there were three ways in which this class had grown.

The first way was through the flight of the villains from the manors where they were held in bondage. After the Black Death it became extremely common, as we shall see, for them to seek freedom by flight; and in earlier ages instances of it, though rarer, are found in the court rolls of many manors.<sup>2</sup> Nor was it a simple matter for the lord to force the fugitive to return; for should he not capture him within four days, he could gain possession of him again only by process of law, and the king's courts intentionally made it difficult to reduce such fugitives once more to villainage.<sup>3</sup> Some of them took service with the king, or put themselves under the protection of a powerful nobleman;<sup>4</sup> others ventured to settle even in the neighborhood of their old homes;<sup>5</sup> indeed it was not unusual for land owners to offer special inducements to persuade tenants of their neighbors to desert to them.<sup>6</sup> Very often the fugitives made their way to the chartered towns or to the king's demesne, and after a residence there of a year and a day they were acknowledged as freemen. The ease with which a villain could secure

<sup>1</sup> See cases of William Hod and Thomas Forester at Upwood. Above, p. 323.

<sup>2</sup> At Aylton, for example, the jury reports nine men in 1272, "qui se subtraxerunt cum catallis suis de feodo domini." Court Rolls, 179/15.

<sup>3</sup> Vinogradoff, 84.

<sup>4</sup> Thus at Weston, 1309, A.B. "dicit aperte et maliciose quod de cetero non erit domino Abbati obediens nec residebit super feodum suum cum catallis suis. Immo se ponit in advocacione aliorum magnatum." Court Rolls, 179/15.

<sup>5</sup> In 1309, three villains left Hemingford without permission and settled at Barton, although both manors belonged to the same lord. Court Rolls, 179/15.

<sup>6</sup> Vinogradoff, 158.

his freedom by flight when his lot became unbearable at home<sup>1</sup> did not fail to have some effect on the treatment accorded him by his lord, and was without doubt one reason why the custom of the manor was so seldom violated. Occasionally these run-a-ways won distinction in arms or in the church, and then they became free by being knighted or by receiving holy orders.<sup>2</sup>

Another way in which the class of free laborers had been enlarged was through the manumission of villains by their lords. Sometimes this manumission was purchased by the villain<sup>3</sup>; sometimes it was the free gift of the lord; sometimes it was implied by certain acts of the lord, such as granting the villain land to be held freely by him and his heirs, or by producing him as champion or compurgator in the King's Court.<sup>4</sup> That it was of frequent occurrence is evident from the allusions to it in the manorial records, from the number of charters of manumission which have been preserved, and from the attention devoted to the subject by the lawyers of the time.

The class of free men had been swelled, lastly, by those villains that attained their liberty by prescription.<sup>5</sup> There must in the course of time have grown up on many manors a small class of men for whom the lord could find no land and whom he did not therefore employ. To these men it was customary to grant permission to reside off the manor provided they attended the Court Leet once or twice a year and made some

<sup>1</sup>At Woolston in 1329 J. P., "qui tenuit unum messuagium cum decem acris terre in villenagio recessit a dominico propter impotenciam ejus." Court Rolls, 154/77.

<sup>2</sup>Pollock and Maitland, I, 412.

<sup>3</sup>A villain at Bright Waltham, 1341, "ut possit recedere ex dominio et pro libero habeatur dat de fine decem solidos".—Court Rolls, 153/69.

<sup>4</sup>Pollock and Maitland, I, 410.

<sup>5</sup>*Ibid.*, I, 412.

small annual payment, a chicken, a horseshoe, or a few pence, to keep alive the feeling of dependence. Now these men frequently changed their place of abode, ceased their attendance at the Court Leet, and passed with their children out of the ken of the lord and his servants. Such men's descendants, since the lord's right of action to force their return was subject to a prescriptive term, contributed largely to the growth of the class of free laborers.

Supposing, however, that there were enough of these free men in the country to render it possible for the lord to dispense with the services of his villains—a hypothesis that can be neither proved nor disproved—there was yet a second condition which must be fulfilled before this great change could take place. There must be enough money in circulation in the country to enable the villains to pay their lord for this great lightening of their burdens, and thereby put it in his power to hire what labor he needed.

It seems that in the generation before the Black Death this second condition had not been fulfilled. It is true, as many writers have remarked<sup>1</sup>, that England had made greater progress in the so-called money economy than the other countries of Western Europe, with the possible exception of the Netherlands. The reasons of this are obvious: England was favorably situated for inland as well as for foreign trade; she was partly protected by the channel from the incursions of more powerful foes; and she had, as compared with her neighbors, a strong central government and a well established system of justice and police. Moreover,

<sup>1</sup> Compare Vinogradoff, 179; Nasse, "Einhegungen des 16. Jahrhunderts in England", 50; Ochenkowski, "England's wirtschaftliche Entwicklung", 9; Ashley, "English Economic History", I, 43.

with a wisdom far in advance of the age, her kings had maintained the purity of the currency; and large supplies of silver were drawn to the country, and made available for the mint by the wool trade of the Easterling merchants. It was probably this development of the money system which early in the thirteenth century had already brought freedom to the men of Kent. "The great roads which join London to the seaboard are the arteries along which flows money, the most destructive solvent of seignorial power."<sup>1</sup> But Kent was exceptionally favored by its location; the other counties had witnessed no such development; and in the country at large the evidences of the transition to a money system are found chiefly in the financial affairs of the government. On the manors the system was to some slight degree a mixed one, but the natural economy largely predominated. Few things were bought for which the bailiff had to pay money; and the wages even of the free laborers that were hired consisted chiefly in kind.<sup>2</sup> Professor Ashley has pointed out how gradually a money system established itself in the affairs of the Chapter of St. Paul's.<sup>3</sup> It was not before the fifteenth century that the canons received their salaries in money instead of in bread, beer, etc.; and that the *firmæ*, or

<sup>1</sup> Pollock and Maitland, I, 166.

<sup>2</sup> The highest money payments seen by me that were made to laborers on the manors in the first half of the fourteenth century were at Somersham, Hunts. There, in 1341, two carters hired by the year were paid one 7s., the other 6s.; four ploughmen got 5s. each by the year. Ploughmen hired by the day in spring got 1½d. In addition to the money payments those laborers maintained by the year received, of course, various payments in kind. (Public Record Office, Minister's Accounts, 1135/8.) At Aylton, in the same county, 1325, one carter was hired who received 4s., and eight ploughmen who received 3s. 6d. (Minister's Accounts, 874/7); and this seems to have been the average amount of the money payments made to laborers employed by the year.

<sup>3</sup> "Economic History of England", I, Pt. I, p. 44ff.



rents in agricultural produce of the farmers of the manors belonging to the Chapter were replaced by rents in money. And this was in London, where a money economy should have developed earliest. The new system made no great progress in the country districts before the middle of the reign of Edward III. The spoils of Calais and the new cloth industry increased the amount of money in circulation after that time; but it was the Black Death, which, by destroying nearly half the population while leaving the available capital and the medium of exchange as great as ever, hastened the transition from a system of barter to a system of money payments. Before that event it does not seem that the change had gone far enough to render possible a complete abolition of the predial services of the villains.

A careful study of the manorial records that have been preserved at the Public Record Office, the British Museum and the Library of St. Paul's Cathedral, has resulted in disclosing to what a small extent free labor had taken the place of the labor of the villains. It will be remembered that the latter had consisted for the most part in what German writers call *Handdienste*, that is, in work with the hands, as contrasted with work with a team. Now there are in the above mentioned collections reports dated between 1325 and 1350 of eighty-one manors lying in the part of England under consideration. On only six of these had the predial services of the villains been completely abolished; on nine the villains performed little even of the *Handdienste* that were needed on the demesne; while on twenty-two fully half of the necessary labor was furnished by them; and on forty-four they did practically all the work, labor being hired only for the greater part of the team work.



TABLE I.—SHOWING LOCATION OF MANORS, ETC.

[The following table will show the location of these manors and, where it has been possible to discover it, the owner of each and the average number of acres of demesne annually cultivated. The letter X in the column following the name of the manor indicates that the villains performed practically all the labor, except the team work, that was necessary; Y, that they performed about half of it; Z, that they performed an insignificant part of it; O, that the predial services had been abolished. The information from which the table has been constructed, unless otherwise stated in the footnotes, is derived from the manorial records that are alphabetically arranged in the Public Record Office, London, under the heads of *Ministers' Accounts* and *Court Rolls*.]

Name of Manor.	Work Done by Villains.	County.	Owner.	Acres Sown.
Barton	X	Bedford	Ramsey Abbey	
Cranfield	X	"	"	
Shillington	X	"	"	
Bright Waltham	Y	Berkshire	Battle Abbey	450
Crookham	X	"		
Hinton	X	"		
Woolston	X	"		330
Aston Bernard	Z	Buckingham		
Ditton	Z	"		250
Langley Marsh	Y	"	The Queen	400
Wendover	Z	"		
Westcot	Z	"	The King	140
Whaddon	X	"	Earl of March	150
Chatteris	X	Cambridge	Ramsey Abbey	
Elsworth	X	"	"	
Graveley	X	"	"	
Knapwell	X	"	"	
Soham <sup>1</sup>	Y	"		275
Great Shelford	Y	"	Bishop of Ely	
Wilburton <sup>2</sup>	X	"	"	
Barrington <sup>3</sup>	O	"		
Bardfield	X	Essex		400
Clacton <sup>4</sup>	X	"	St. Paul's	
Claret	Z	"		
Fearing <sup>5</sup>	Y	"	St. Paul's	400
Hoton	Y	"	Battle Abbey	325
Wickham	Y	"	St. Paul's	190
Cheltenham	Y	Gloucester		
Hawkesbury	Z	"		
Ashwell <sup>6</sup>	Z	Hertford	St. Paul's	250
Meesden	Y	"		220
Standon	Y	"		240
Stevenage	X	"	Westminster Abbey	325

<sup>1</sup> British Museum, Add. Charters, 10449 ff.

<sup>2</sup> *English Hist. Review*, July, 1894.

<sup>3</sup> Cunningham, "Growth of Eng. Industry and Commerce," I., 584.

<sup>4</sup> St. Paul's Cathedral Library, Press B, Boxes 77 and 89.

<sup>5</sup> *Ibid.*, 81 ff.

<sup>6</sup> *Ibid.*, 81 ff.

Name of Manor.	Work Done by Villians.	County.	Owner.	Acres Sown.
Stortford	X	Hertford	St. Paul's	
Symondshyde <sup>1</sup>	X	"		125
Aylton	X	Huntingdon	Ramsey Abbey	
Brington	X	"	"	
Bythorn	X	"	"	
Holywell	X	"	"	
Houghton	X	"	"	375
Abbot's Ripton	X	"	"	400
Slepe	X	"	"	275
Somersham	X	"	Bishop of Ely	250
Warboys <sup>2</sup>	X	"	Ramsey Abbey	
Weston	X	"	"	375
Wistow <sup>3</sup>	X	"	"	
Stalingbury <sup>4</sup>	O	Lincoln		
Thurlby	O	"		
Fullham <sup>5</sup>	X	Middlesex	St. Paul's	
Teddington	X	"	Westminster Abbey	
Bereham	Z	Norfolk		70
Brancaster	Y	"	Ramsey Abbey	
Bresingham <sup>6</sup>	X	"		180
Framlingham <sup>7</sup>	X	"		280
Great Cressingham	X	"		
Popinho	Y	"	Ramsey Abbey	105
Wooton	X	Northampton		
Henley-on-Thames	O	Oxford		
Stratton	Z	"	Bicester Priory	
Market Overton	Y	Rutland	Earl of Oxford	175
Anstey	O	Southampton	Battle Abbey	118
Bowcombe	Y	Isle of Wight	Netley Abbey	175
Wroxall	Y	"	"	100
Clare	Y	Suffolk		625
Erbury	X	"	Battle Abbey	
Lawshall	Y	"	Ramsey Abbey	300
Lidgate	X	"		525
Icklingham <sup>8</sup>	Y	"		200
Pakenham <sup>9</sup>	X	"		125
Woodhall	Y	"	Earl of March	140
Henley	O	Surrey	The King	190
Horsley	X	"		
Shene	Y	"	The King	225
Appledram	Y	Sussex		250
Lullington	X	"	Battle Abbey	275
Bromham	X	Wiltshire		240
Castle Combe <sup>10</sup>	X	"	Lord Tiptoft	
Heytesbury, East	X	"		
Heytesbury, West	X	"		450
Sevenhampton	Y	"		
Tytherington	X	"		

<sup>1</sup> British Museum, Add. Charters, 28737 and 28779.<sup>2</sup> *Ibid.*, 39800 ff.<sup>3</sup> *Ibid.*, 39897 ff.<sup>4</sup> *Ibid.*, 25860.<sup>5</sup> St. Paul's Library, Press B, Box 91.<sup>6</sup> British Museum, Add. Charters, 16536 ff.<sup>7</sup> *Ibid.*, 16552.<sup>8</sup> *Ibid.*, 25810.<sup>9</sup> *Ibid.*, 9100.<sup>10</sup> *Ibid.*, 28208.

Against the opinion that predial services had been abolished by the middle of the fourteenth century, the table on pages 348-352 speaks almost as strongly as the one just given. For no instance has been found of a manor where the villains were held to labor for their lord after the Black Death, unless they had been accustomed to do so before that event; on the contrary, many lords that had formerly cultivated their demesnes with the labor of their villains were forced by the circumstances arising out of the plague to commute such labor for money payments.<sup>1</sup> A glance at the table on pages 348-352 shows us forty-one manors in addition to those mentioned above where during the generation succeeding the Plague predial services to some extent were still being exacted from the villains; and even on the others appearing in the table it will be shown that the abolition in many cases was of very recent date.

So far then as concerns predial services it is clear that tenure in villainage was not different in the middle of the fourteenth century from what it had been a hundred years before.

And the same is true of the other incidents of the tenure. The necessity under which the tenant in villainage lay of keeping his holding in repair, his inability to alienate it without his lord's permission or to institute an heir, his obligation to perform the minor duties imposed upon him by the custom of the manor<sup>2</sup>—all these not only continued throughout this period, but,

<sup>1</sup> See below, pp. 345-348.

<sup>2</sup> Thus at Therfield, 1323, various villains that had secured hand-mills were fined 40d each "quia molant bladum proprium et bladum alterutrus in prejudicione domini." Court Rolls, 179/21. At Elsworth, 1327, J. B. was fined 3d "quia permisit oves suas jacere extra faldam domini quum tempus opportunum erat jacere in falda." Court Rolls, 179/23.

as will be shown, were often preserved long after the predial services had been abolished.

The status and the tenure of Nicholas the son of Herman, villain of the Lord Abbot of Ramsey regardant to his manor of Upwood, County Hunts,<sup>1</sup> were typical of English villainage for nearly a century after the record that describes them was drawn up. But just before the end of that time there occurred an event so pregnant with results to the villains, so disastrous to the old system of manorial organization, and therefore of such influence on the future development of the country, that it deserves to be regarded as one of the chief turning points of English economic history. I allude of course to the Black Death.

This plague first appeared in England in 1348; and before its ravages were over nearly a half of the population had perished. Death appeared so suddenly and in a form so fearful, that even the Scotch marauders who came storming over the border, accustomed though they were to wild scenes of rapine and bloodshed, were struck with horror; and those of them that returned home, coined a new oath out of what they dreaded most and swore "by the foul deth of Engeland."<sup>2</sup>

During the prevalence of the plague agricultural affairs were in a condition of anarchy. On some manors cultivation seems to have ceased altogether; and the bailiffs' accounts, which are complete for the years preceding and following this fearful visitation, show a break here of several years. The accounts of other manors are begun and broken off in the middle; and it is with a gruesome feeling that the investigator

<sup>1</sup> Above p. 319.

<sup>2</sup> Knyghton, *Chronicles*, II, 62.

realizes that the hand which penned the heading of them, leaving a blank space for the date when the account should end, was paralyzed by death before that space was filled. On yet other manors the bailiffs were able to send in their reports as usual; so that from them and from the minutes of the manorial courts, when such could be held, it is possible to learn what the country people were suffering. They tell us that agricultural operations had to be restricted or suspended altogether; that very often grain sown in the autumn of 1348 or the spring of 1349 had to be left standing in the field for lack of laborers to harvest it.<sup>1</sup> The men that had sown and reaped, strowed and gathered on the lord's demesne now heard a summons more urgent than the bailiff's, and prepared to appear before that dread court in comparison with which the Halimote and Leet, that had hitherto held them to their duty, lost all their power to awe. The villains for the most part refused to work, some pleading sickness, some taking advantage of the disorder in the management of the manor; while the free laborers, if they consented to work at all, did so only at a price so exorbitant that the bailiff could seldom afford to hire them. The land owners sought assistance from the government; and as early as June, 1349, appeared King Edward's famous proclamation to the effect that all who could work and were dependent on their work for a livelihood should give their labor at the accustomed rate of wages. But the king's attempt to help the landowners was vain, and so much land went out of cultivation that the country was threatened with a famine.

When at last pestilence and terror ceased their baleful

<sup>1</sup> Compare the accounts for Stevenage, Herts, (Min. Acc. 871/17) for Paddington, Middlesex. (Min. Acc. 917/25), etc.

work, the whole face of the country had been altered. Neglect was written large in the landscape. There were few districts where well tilled fields had not given place to the wilderness and rich meadows relapsed into their primeval condition of swamp or fen. Only twice in modern history has an agricultural country undergone so great a catastrophe. The first time was when Germany passed through the long agony of the Thirty Years War. This case differed from that of England in that the loss of human life was accompanied by an equally great destruction of capital, of all the means by which men earned a living; and generations passed before the country regained as prosperous an economic condition as it had attained when Slawata and Martinitz got their celebrated fall from the window in Prague. The second time was when the Southern States of the American Union were plunged into a war which resulted in what has been pronounced one of the greatest economic revolutions in all history. Here there was no great diminution of the amount of labor, as there had been in England and in Germany, but rather a destruction of the best powers of organizing of the land owning class, and a substitution for the old system of labor of one for which the country was not ready by reason of lack of capital. In other words, Germany in 1648 lacked organization, labor, and capital; the Southern States in 1865 lacked organization and capital; England in 1350 lacked organization and labor.

The old organization was, indeed, broken down. On many manors the bailiff, trusted and respected equally by lord and tenants, had died with all his family.<sup>1</sup> Those wiser and older members of the village community who had interpreted the custom of the

<sup>1</sup> As at Cuxham. Rogers, "Agriculture and Prices," I, 673.

manor, and whose influence was strongest on the decisions of the manorial court, had likewise perished.<sup>1</sup>

Their places were vacant or were held by new men, landless men that had formerly eked out a scanty existence as the hired laborers of those whose houses they now occupied, careless of the rights of their new lord, and ready to join with any in efforts to throw off the burdens that the villain class had borne for centuries.<sup>2</sup> This period of disorder was the opportunity of those villains that were left alive, and it will be seen that they did not lose it.

In describing the effects of the Black Death on villainage it will be convenient to begin with that which it exercised on the heaviest incident of villain tenure, the obligation of performing predial services.

It appears, then, from the manorial accounts that the pestilence destroyed about a half of the tenants that were liable to be called on for this work; and it was seldom that the lord could remedy the great diminution of the labor necessary on his demesne by letting the land of those that were dead to new tenants who would be willing to hold it on the old terms. Sometimes it could be done<sup>3</sup>; for, as has been seen, the predial services on some manors were lighter than on others, and

<sup>1</sup>At Bigging, Hunts, 1351, the bailiff gives no account of how the *opera* of the villains were used, "quia nulli customarii qui debent operare!" Min. Acc., 875/1.

<sup>2</sup>The manorial records are full of entries showing the disorder that prevailed in the years following the plague. At Shillington, 1351, the jury was several times fined for not presenting transgressions committed by the tenants. (Court Rolls, 179/33). The same year, A. R. was punished there for removing the boundary marks between the demesne and the customary land (*Ibid.*).—At Glatton, Hunts, the bailiff says it is unknown how many *opera* are due because of the pestilence (Minn. Acc. 876/16.)

<sup>3</sup>This had been done in 1351 at Great Shelford. (Min. Acc., 1133/2.)



men of the class of free laborers occasionally agreed to take the land and hold it according to the old custom of the manor. It will be remembered, further, that the lord could compel one of his villains through the instrumentality of the manorial court, to receive land in villainage and to cultivate it. He now availed himself where he could of this right, and thus disposed of a part of the vacant holdings.<sup>1</sup> This was, however, a very limited means of meeting the difficulty; for most of the villains had lost a large part of the labor by which they had cultivated their land, and in consequence were seldom in a condition to increase their holdings, especially when it would add to the amount of work they must do for the lord. For the most part, therefore, the land had to be left in the hands of the widow and children of the former tenant, who were unable to perform the services hitherto due, or it had to be let to a freeman at a small money rent.<sup>2</sup> Quite frequently no one could be found

<sup>1</sup> At Cranfield a jury of six was appointed to inquire into the ability of the villains to hold more lands. They report eight villains as being "*abiles et sufficientes*" to receive certain holdings which are named for each of them; and the men reported were required to take the holdings and make oath that they would maintain them according to the custom of the manor.—Court Rolls, 179/33. At Therfield five men that held free land or but little customary land in 1351 were ordered to take more of the latter. But several of them "*venderunt quod habuerunt et recesserunt nocitante*".—Court Rolls, 179/24. At Houghton, 1357, P. B. was ordered to return to the manor in order that he might receive a vacant holding.—Court Rolls, 179/36. At Burwell, 1350, three villains "*retraxerunt se de dominio et terra sua tradita toto homagio ad faciendum servicia et consuetudines*".—Court Rolls, 179/33.

<sup>2</sup> At a court held at Bright Waltham, 1350, the holders of ten villain tenements were reported dead. Of the holdings, four went to the widows on the old terms, one to a son, one to a daughter, and one was let to another villain on the old terms; one was let at a money rent, one for part money part labor, and one was said to be in charge of the executors of the deceased tenant. On the same day two women surrendered their holdings, "*quia sine auxilio ad faciendum consuetudines dictae terre*". Court Rolls, 153/69.

to take the land on any terms, and it was allowed to become waste and the buildings on it to fall into ruins.<sup>1</sup> Thus one effect of the Black Death was the immediate disappearance of a large part of the predial services.

Now, since the lord could not command the labor of so many villains, and since hired labor was to be had only at a price that made it difficult for him to get it, could he not cultivate his demesne by requiring more work to be done by those villains that were left to him? The temptation to do this may have presented itself, but various considerations prevented his yielding to it. It should not be forgotten, in the first place, that the lord was influenced by the custom of the manor which acted as a strong check on any arbitrary impositions he might wish to lay. In the second place, the villains on most manors, having lost through the death of members of their households much of their own labor power, were in no condition to do more work on the demesne than was customary, and the lord realizing this would refrain from demanding it of them. Lastly, there was no means during the years of disorganization that followed the pestilence by which the lord could enforce his will, if he attempted to inflict heavier burdens on the villains than they themselves thought it right that they should bear. For these reasons the Black Death caused no increase of the burdens of those villains that remained in possession of their old holdings.

<sup>1</sup> At Cuddington, Suffolk, in 1350, five free tenants were reported dead and their sons inherited their holdings. Twelve virgate holders were dead and their virgates in the hands of the lord "quia nullus sequitur"; while the virgate of another went to his son. Two holders of half virgates were dead, and their land in the hands of the lord; that of a third went to his son, who, however, could pay no heriot on account of poverty. Another virgate went to a widow. There was one virgate in the hands of the lord because the tenant had run away.—Court Rolls, 204/44.

But this was not all. Instead of permitting the lords to lay heavier impositions upon them, the villains seized the opportunity to lighten those they already bore. Sometimes they did this by collusion with the lord's agents, whose dishonesty has left traces in the records of many manors.<sup>1</sup> It seems, indeed, to have been as difficult to supply the positions of steward, bailiff, reeve, etc., in a satisfactory way as it was to find good men for the responsible positions in the church, and how hard that was the Chronicler Knyghton has expressly told us. Very often the villains pleaded poverty and inability to render the customary services, whereupon some lords immediately compromised with them for a yearly money rent.<sup>2</sup> If their plea was not allowed, they simply refused to work and resisted all efforts at coercion. When this happened, the lord found it extremely difficult to hold them to their duty; for the usual means by which

<sup>1</sup> Thus at Houghton, 1350, the beadle and the reeve are accused of using on their own land *opera* that should have been expended on the demesne.—Court Rolls, 179/33. At Barton, 1351, the reeve ploughed and sowed his own land with the plough and seed of the lord.—Court Rolls, 179/34. At Cranfield, 1364, the reeve "fugavit caretarium ex manerio per quod dominus fuit destitutus de uno caretario".—Court Rolls, 179-37. At Upwood the same year the beadle was fined 40*d.* for malfeasance in office.—*Ibid.* At Bright Waltham, 1356, the bailiff was accused of using the ploughs and ploughmen of the lord on his own behalf.—Court Rolls, 153/69. Such examples might be multiplied indefinitely.

<sup>2</sup> At Hinton, Berks, the bailiff reports in 1377, that the former lord before his death had commuted the services of the villains for money, "eo quod custumarii impotentes ad facienda dicta opera et pro eorum paupertate".—Min. Acc., 652/10535. At Layham, Suffolk, the *custumarii* were permitted to change their predial services for a money rent in 1362.—Min. Acc., 1002/10. At Castle Combe, Wilts, Lord John Tiptoft commuted the services of his villains for money payments in 1352.—Brit. Mus., Add. Mss., 28208, p. 51. The same thing took place temporarily at Aylton, Hunts, in 1351.—Min. Acc., 874/12. Sometimes the lord permitted an amelioration in the case of individuals but not of the body of the villains. Thus, at Steven-

he had hitherto done so, namely by fines imposed in the manorial court, were no longer sufficient, whereas any departure from the old customs on his part would seem to justify the villains in their resistance. These fines had once been more than the money equivalent of the work left undone, but as they were now no higher, they were not equal to what the lord would have to pay a free laborer, or what the villain could get by hiring himself to another man. The court rolls of this period are therefore, full of the names of men presented by the bailiff for not coming to do their work on the lord's demesne.<sup>1</sup>

There had been another expedient by which the lord could hold his tenants to their duty, a last expedient resorted to only in cases of extreme necessity: ejection from their holdings. But how completely had this now ceased to accomplish the desired purpose! With more vacant holdings on his hands already than he could dispose of, the object of the lord was by all means to keep the others occupied; and instead of using ejection as a threat, he was in constant

age, 1354, S. G. "tenuit unam vergatam reddendo inde per annum in serviciis et consuetudinibus xxii solidos. Et dictus S. G. pauper et impotens dictam virgatam tenere. Ideo concessum est per dominum quod S. G. habeat et teneat predictam terram reddendo inde xiii solidos iv denarios pro omnibus serviciis et consuetudinibus".—Court Rolls, 178/48. At Weston, 1370, J. O. "non arat terram domini causa paupertati".—Court Rolls, 179/238.

<sup>1</sup> At Shillington, 1350, thirty-six fines were imposed on tenants in villainage for not performing their *opera*. At Houghton the same year 45 were guilty of the same offence; 13 "fuerunt inobedientes;" 7 "fregerunt attachiamenta ballivi et noluerunt venire [ad facienda servicia] domino abbati." Court Rolls 179/33. At Hemingford, 1351, J. B. was fined 2s. "pro rescusso facto et insulta facta ballivo domini." Court Rolls 179/34. At Warboys, 1354, 102 were accused of not working or working badly. Court Rolls, 179/35. At Abbot's Ripton, 1360, J. N. "est rebelliosus ballivo et sociis suis." Court Rolls, 179/36.

fear of desertion.<sup>1</sup> It was indeed just this fear of desertion that forced him to make concessions to the villains and commute their predial services for money.

It has been seen above that even before the plague the villains sometimes ran away, but that they resorted to this means of changing their lot more seldom than they otherwise might have done, because there were few means by which they could earn a livelihood away from home. That was now changed. Not only would the cloth industry, which had been expanding under the fostering care of Edward III, offer employment to some of the fugitives, but also when they ran away they were sure of being welcomed on the manors of neighboring lords and would be given as much land as they wanted on the same terms as those offered to freemen. Desertion, therefore, became very common and remained so for years.<sup>2</sup>

Influenced by this practice on the part of the villains the lords generally agreed to make concessions, and the process of commutation went on apace. Occasionally

<sup>1</sup> At Therfield, 1350, J. C. was presented by the jury, "*quia excitavit tenentes domini ut recederent de terra sua.*" Court Rolls, 179/34. At Shillington, 1351, A. H. "*dimisit terram suam libero tenenti.*" Two other villains do likewise. Court Rolls, 179/34. At Cranfield, 1357, five villains "*dimiserunt terram nativam liberis sine licentia.*" Court Rolls, 179/36.

<sup>2</sup> At Weston, 1354, three villains ran off "*nescitur quo.*"—Court Rolls, 179/35. At Woolston, 1355, C. C. "*dat domino ut possit deseruere ubicunque voluerit ex dominio iii solidos.*" In 1356 two others paid each 20s. for the same thing. In 1357 one "*recessit a dominio et dereliquit terram suam.*"—Ct. R., 154/77. At Chilton, Suffolk, W. R. had run away in 1356, but was captured and had to find pledges that he would serve the lord during the lord's will. The same fate overtook a man and one of two women that fled two years later. In 1359 nine ran off and four of them were not retaken.—Ct. R., 203/25. At Therfield, 1369, John Atwood, who held 23 acres in villainage, fled from the manor by night with his whole family.—Ct. R., 179/38. At Abbot's Ripton, 1369, J. P. successfully resisted the bailiff's attempt to capture him, and escaped taking with him his horses.—*Ibid.* At

the whole body of tenants in villainage were freed from predial services at the same time;<sup>1</sup> but usually the change was made gradually, each villain being permitted to substitute money payments for labor when he was prepared to do so.<sup>2</sup>

In speaking of the villains becoming prepared for this change we are confronted by the question, how they would be more prepared for it in the twenty-five years following the pestilence than they had been in the first half of the century. The answer seems to be that in the generation after the plague there was a very rapid development of a money system, of *Geldwirtschaft*, as Hildebrand has named it, in the affairs of all ranks of society, a development which had begun at an earlier time, but which several circumstances now tended to hurry on at an accelerated pace.<sup>3</sup> The expulsion of the Jews, the suppression of the Templars, the failure of the Bardi had opened the way for native Englishmen to engage in monetary transactions. The spoils of Calais seem to have considerably increased the amount of the precious metals in the country; and the new cloth industry promoted the rapid circulation of money in the interior. But it was the Black Death itself which gave the chief impetus to the money system at this time. For by destroying half of the people it doubled the

Weston, 1372, Long John transferred his land to a freeman and fled from the manor by night.—Ct. R., 179/39. At Broughton, 1377, a number of villains are required to find pledges that they will not run away, but will cultivate their holdings and maintain them in good condition.—Ct. R., 179/42. Innumerable similar examples might be given to show how common the practice of desertion came to be during the generation following the Black Death.

<sup>1</sup> See above, p. 342 n.

<sup>2</sup> See below, p. 348-353 ff.

<sup>3</sup> Compare Miss Law, "The Nouveaux Riches of the Fourteenth Century," in *Trans. Royal Hist. Soc.*, New Series, IX, 49 ff.

amount *per capita* of the medium of exchange; and at the same time by causing, as has just been shown, a greater fluidity of the surviving population it made the use of money more familiar in the country districts. Furthermore, the practice that prevailed among the land owners of admitting strangers and runaways at a money rent to the holdings left vacant after the plague made the advantages of that form of tenure more apparent to the villains. These advantages were, indeed, often overestimated, and it sometimes happened that tenants who had been permitted soon after the pestilence to commute their services, subsequently found it better to return temporarily to the old system.<sup>1</sup>

On the whole, then, it may be said that the Black Death gave a blow to the old system from which it never recovered. Prof. Rogers has pointed out how rapidly in the last half of the fourteenth century the practice spread of "farming" the manors, the practice, that is, of leasing the manors with all the rights and perquisites derived from them to some man or men for a term of years.<sup>2</sup> The cause of this he finds in the high price of labor, which no longer permitted the old system of bailiff management. It is hard to see, however, how the new lessee could provide labor any cheaper than the old bailiff—especially since it was very often the bailiff himself that took the manor in "farm." A more probable explanation of the spread of the practice lies in the substitution of money payments for the old labor services of the tenants. The absent lords had always been will-

<sup>1</sup> So at Aylton where in 1351 all the customary land had been let at a money rent—for the bailiff reports for that year: "De operibus nil hoc anno quia omnes customarii ad censum pro xx solidos pro omnibus operibus et consuetudinibus"—there were in 1352 nine and three-quarters virgates again held "in opere."—Min. Acc., 874/10 ff.

<sup>2</sup> "History of Agriculture and Prices," I, 24.



ing to let their manors for money, but it was only after it became possible to collect fixed annual payments from the villains that the lessee could with any certainty raise the necessary sums to meet his yearly obligations. The development of a *Geldwirtschaft* rendered possible both the abolition of villainage and the substitution of leases for bailiff farming. The Black Death promoted this development and gave an impetus to the processes of commutation and leasing, which afterwards went of their own weight.

The following table will show how far the process of commutation had gone in the thirty years following the plague. The names of fifty-five of the manors that are contained in the former table reappear in this. In no case has there been an increase of the amount of labor exacted from tenants in villainage. On ten of the manors they perform no predial services whatever; on thirteen the amount of work they do is inconsiderable; on fifteen they furnish about half of the labor needed; and on only seventeen do they perform practically all the work—exclusive of most of the team work—that is done on the demesne. Moreover, the agricultural operations on the latter had generally been so diminished that even the manors most dependent on the labor of villains now employed not more than a half or two-thirds as many as before the plague. For example, the manor of Abbot's Ripton in Huntingdonshire was cultivated almost entirely by means of villain services in the two decades before 1380, just as it had been previous to the Black Death. But in the earlier period about 400 acres had been sown each year, whereas toward the end of the latter the number had fallen to about 200. Although, therefore, little labor was hired the bailiff was able to dispense with half the villain services he had formerly

TABLE II.

[In this table the meaning of the signs X, Y, Z, O is the same as in the former.]

Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
Barton		X	Bedford	Ramsey Abbey	1360-1370
Cranfield	{	X	"	"	1355-1360
		X	"	"	1360-1370
		X	"	"	1370-1380
		X	"	"	1350-1355
Shillington	{	X	"	"	1355-1360
		X	"	"	1360-1370
		X	"	"	1370-1380
		Y	Berkshire		1350-1355
Woolston	{	220	Y		1355-1360
		275	Y		1360-1370
		280	Y		1370-1380
		25	Z		1350-1355
Bright Waltham	{	375	Y	Battle Abbey	1350-1355
		310	Y	"	1355-1360
		Y	"	"	1360-1370
		275	Y	"	1370-1380
East Hempstead	40	O	"		1350-1355
Hampstead		Y	"	The King	1355-1360
Marshall		Y	"	"	1360-1370
Hinton	215	O	"		1370-1380
Spene	{	90	Y		1350-1355
		90	Y		1355-1360
Cuddington	160	Y	Buckingham	Rochester Priory	1370-1380
Langley Marsh		Y	"		1360-1370
Steeple Claydon	90	Y	"		1360-1370
Westcot		O	"		1350-1355
Whaddon	{	Y	"	Earl of March	1350-1355
		190	Y	"	1355-1360
		170	Y	"	1360-1370
Wyrardisbury		O	"	The King	1360-1370
Chatteris		Z	Cambridge	Ramsey Abbey	1370-1380
Elsworth		Y	"	"	1355-1360
Graveley		X	"	"	1350-1355
Knapwell	{	X	Cambridge	Ramsey Abbey	1355-1360
		Y	"	"	1360-1370
		Y	"	"	1370-1380
Soham <sup>1</sup>	{	275	Y		1350-1355
		150	X		1360-1370
		100	Y		1370-1380
		220	X	Bishop of Ely	1350-1355
Great Shelford	{	240	X	"	1355-1360
		50	X	"	1360-1370
		140	X	"	1370-1380
Tunbridgehall	{	60	Z		1350-1355
			Z		1355-1360
Uphall		O	"		1370-1380
Willburton <sup>2</sup>		Y	"	Bishop of Ely	1370-1380

<sup>1</sup> Brit. Museum, Add. Ch., 10449 ff.

<sup>2</sup> Eng. Hist. Review, July, 1894.

Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
Boreham		Z	Essex		1370-1380
		Z	"		1350-1355
Claret		Z	"		1355-1360
		Z	"		1360-1370
		O	"		1370-1380
Eastwood	300	X	"	The King	1360-1370
	300	X	"	"	1370-1380
High Easter		Z	"		1370-1580
	275	Y	"	Battle Abbey	1355-1360
Hoton	250	Y	"	"	1360-1370
	225	Y	"	"	1370-1380
Thundersley		O	"		1360-1370
Avening		Z	Gloucester		1370-1380
		Z	"		1360-1370
Hawkesbury		Z	"		1370-1380
		O	"		1360-1370
Horsley	200	O	"		1370-1380
Minchin Hampton		Y	"		1370-1380
	150	Z	Hertford	St. Paul's	1350-1355
Ashwell <sup>1</sup>		Z	"	"	1355-1360
	100	Z	"	"	1360-1370
		Z	"	"	1370-1380
Meesden	187	Y	"		1350-1355
	190	Y	"		1355-1360
		Z	"		1350-1355
Standon		Z	"		1355-1360
		Z	"		1360-1370
	225	Y	"	Westminster Abb'y	1350-1355
Stevenage	240	Y	"	"	1355-1360
		Y	"	"	1360-1370
	200	Y	"	"	1370-1380
Symondshyde <sup>2</sup>		Z	"		1360-1370
		Y	Huntingdon	Ramsey Abbey	1350-1355
Aylton		Y	"	"	1355-1360
		Y	"	"	1360-1370
		Y	"	"	1370-1380
Bigging		O	"	"	1350-1355
		O	"	"	1360-1370
Brington		X	"	"	1360-1370
Ellington		X	"	"	1350-1355
		O	"	The Queen	1355-1360
Glatton		O	"	"	1360-1370
		O	"	"	1355-1360
Holme		O	"	"	1360-1370
		O	"	"	1350-1355
		X	"	Ramsey Abbey	1355-1360
Holywell		X	"	"	1360-1370
		X	"	"	1370-1380
		X	"	"	1360-1370
Houghton		X	"	"	1370-1380
	275	X	"	"	1360-1370
Abbot's Ripton	225	X	"	"	1370-1380
	200	X	"	"	1360-1370
King's Ripton		X	"	"	1370-1380

<sup>1</sup> Library of St. Paul, Press B, Box 51 ff.<sup>2</sup> Brit. Mus., Add. Ch., 28779.

Name of Manor.	Acres Sown.	Work Done by Vil- lains.	County.	Owner.	Date of Records Between
Slepe	{	X	Huntingdon	Ramsey Abbey	1350-1355
		X	"	"	1360-1370
		X	"	"	1370-1380
Somersham		X	"	Bishop of Ely	1370-1380
Warboys <sup>1</sup>	175	X	"	Ramsey Abbey	1370-1380
Weston		X	"	"	1360-1370
Wistow <sup>2</sup>	200	X	"	"	1350-1355
Lutterworth		O	Leicester		1360-1370
Bolingbroke		O	Lincoln		1370-1380
Gedney	154	Y	"		1355-1360
Somerton	{ 156	O	"	The King	1355-1360
	156	O	"	"	1360-1370
Thoresby		O	"		1370-1380
Thurlby	{	O	"		1350-1355
		O	"		1355-1360
		O	"		1360-1370
Isleworth	{	X	Middlesex		1350-1355
		Z	"		1355-1360
Paddington	95	O	"		1350-1355
		X	"		1350-1355
Teddington	{	X	"		1355-1360
	100	X	"		1360-1370
Ashill	66	O	Norfolk	Earl of Pembroke	1360-1370
		Z	"		1350-1355
Bereham	{	Z	"		1355-1360
		Z	"		1360-1370
		Z	"		1370-1380
Brancaster	{	Z	"	Ramsey Abbey	1350-1355
	150	Z	"	"	1355-1360
		Z	"	"	1360-1370
Haveringford <sup>3</sup>	{ 100	Y	"		1355-1360
	100	Y	"		1360-1370
	100	Y	"		1370-1380
Hilgay		O	"		1360-1370
Stradsett	150	Z	"		1360-1370
Uphall	100	Y	"		1360-1370
Buckley	150	Z	Northampton		1360-1370
Byfield		Z	"		1355-1360
Higham Ferrers	{ 150	Z	"	Duke of Lancaster	1360-1370
	150	Z	"	"	1370-1380
Norton		Z	"	The King	1355-1360
	{ 150	O	"	Duke of Lancaster	1355-1360
Raundes	150	O	"	"	1360-1370
	150	O	"	"	1370-1380
Rushden		O	"	"	1370-1380
Thorp		Z	"	The King	1355-1360
Beckley		Z	Oxford		1370-1380
Horton		Z	"		1370-1380
Northleigh		Z	"		1370-1380
Oakham		O	Rutland	The King	1370-1380
Langham		O	"	"	1370-1380
Market Overton	150	Z	"	Earl of Oxford	1360-1370

<sup>1</sup> Brit. Mus., Add. Ch., 39800 ff.<sup>2</sup> *Ibid.*, 39897 ff.<sup>3</sup> *Ibid.*, 15199.

Name of Manor.	Acres Sown.	Work Done by Vil- lains.	County.	Owner.	Date of Records Between
Anstey	{	O	Southampton	Battle Abbey	1355-1360
		O	"	"	1360-1370
		O	"	"	1370-1380
Froyle <sup>1</sup>	{ 550	Z	"	St. Mary's, Winch.	1360-1370
	{ 475	Z	"	"	1370-1380
Somborne	{ 300	Y	"	"	1360-1370
	{ 260	Y	"	"	1370-1380
Newton		O	Isle of Wight	The King	1370-1380
Wroxall	{ 100	Y	"	Netley Abbey	1350-1355
		O	"	"	1370-1380
Ashfield <sup>2</sup>	200	Z	Suffolk		1355-1360
Chelsworth	{	Z	"		1360-1370
		Z	"		1370-1380
Exning	{	Z	"		1350-1355
		O	"		1355-1360
Fressingfield	240	Z	"		1355-1360
Halisworth <sup>3</sup>	{ 100	Z	"		1360-1370
	{ 100	Z	"		1370-1380
Hundon	{	X	"	Earl of March	1355-1360
	{ 325	X	"	"	1360-1370
	{ 350	X	"	"	1370-1380
Layham	{	Z	"		1360-1370
		Z	"		1370-1380
Lawshall	{ 225	Y	"	Ramsey Abbey	1350-1355
	{ 200	Y	"	"	1360-1370
	{ 175	Y	"	"	1370-1380
		Y	"	Earl of March	1350-1355
Woodhall	{	Y	"	"	1355-1360
		Y	"	"	1360-1370
Banstead	{ 190	Z	Surrey		1350-1355
	{ 165	Z	"		1360-1370
	{ 165	Z	"		1370-1380
Byfleet		Z	"	The King	1360-1370
Henley	{ 125	O	"	"	1360-1370
	{ 125	O	"	"	1370-1380
Horsley	175	X	"		1370-1380
Shene	210	Y	"	The King	1350-1355
Worplesdon	{ 145	Z	"	"	1360-1370
	{ 110	Z	"	"	1370-1380
		Z	Sussex		1350-1355
Appledram	{ 300	Z	"		1355-1360
	{ 300	Z	"		1360-1370
	{ 250	Z	"		1370-1380
	{ 250	X	Sussex	Battle Abbey	1355-1360
Lullington	{ 250	X	"	"	1360-1370
	{ 250	X	"	"	1370-1380
Rotherhythe	100	O	"	The King	1355-1360
Bidford	200	O	Warwick	Bordesley Priory	1370-1380
Fillongley		O	"		1370-1380
Itchington	40	Z	"	Maxstoke Priory	1370-1380
Knowle	250	Y	"	"	1355-1360
Oxhill		Z	"	"	1360-1370

<sup>1</sup> Brit. Mus., Add. Ch., 17479 ff.<sup>2</sup> *Ibid.*, 9108.<sup>3</sup> *Ibid.*, 25864 and 25978.

Name of Manor.	Acres Sown.	Work Done by Vil- lains.	County.	Owner.	Date of Records Between
Elmbridge		O	Worcester		1370-1380
Bromham	{ 240	X	Wiltshire		1355-1360
	{ 300	Y	"		1370-1380
Castle Combe <sup>1</sup>		O	"	Lord Tiptoft	1350-1355
Chelsworth		Z	"		1370-1380
Compton <sup>2</sup>		O	"	The Queen	1370-1380
West Heytesbury	{ 350	Z	"		1355-1360
	{ 188	Z	"		1360-1370
East Heytesbury	{ 188	Y	"		1355-1360
	{ 215	Y	"		1370-1380
Mildenhall		Z	"		1370-1380
Sevenhampton	{ 60	Z	"		1360-1370
		O	"		1370-1380
Stratton		O	"		1370-1380
Trowbridge		Z	"		1370-1380
Tytherington	{	O	"		1355-1360
		O	"		1360-1370
Tockenham		O	"		1370-1380

<sup>1</sup> Brit. Mus., Add. MSS., 28208, p. 51.<sup>2</sup> *Ibid.*, Add. Ch., 6277.

used. The same thing may be observed at Bright Waltham where about 450 acres were annually cultivated before the Black Death, and only 275 thirty years later. At Woolston the quantity of land cultivated fell from about 325 acres to about 175; at Soham from 275 to 150; at Hoton from 325 to 225; at Stevenage from 325 to 200, etc. It was extremely seldom that a considerable diminution did not take place, and I have observed no instance where the bailiff cultivated more land after the Black Death than he did before. Those portions of the demesne that thus passed from under the bailiff's management were sometimes let at a money rent for term of years or at the will of the lord; sometimes they were converted into pasture.

We find in addition to the manors contained in the former list the names of seventy-one others. Only five of these are still cultivated chiefly by means of villain services; ten make about equal use of hired and villain

labor; on twenty-six the amount of villain labor performed is inconsiderable; and on thirty it has been altogether commuted for money payments. On many of these manors it is evident that the commutation had very recently taken place. At Halisworth, Suffolk, for example, in 1368 only three days of work in autumn were got from the tenants; but many more are enumerated as having been formerly due, and it is added "*nil, quia omnia tenementa que solebant operare talia opera sunt in manu domini*;" and most of them were let at a money rent.<sup>1</sup>

During the generation after the Black Death, while the great change described above was taking place in villain tenure, there was no corresponding alteration in villain status. The personal subjection of the man of that status to the will of his lord was legally as complete at the end of the generation as had been that of his forefathers from time immemorial. He was still under obligation to remain on the manor, to labor at his lord's bidding for the land assigned him, and to surrender his goods on demand. All the evidences that proved the reality of these obligations before the plague are still visible in the manorial court rolls to show that they were not yet obsolete. Chivage, merchet, and leyrwrite were exacted as before; the lord, as has been shown, still occasionally changed the villain's holding and thereby the services to be performed; and tallages and other fines continued to show the villain's insecurity in the possession of his goods. Indeed, it was at this time that it became customary to insert on the rolls of every court holden on a manor of Ramsey Abbey the order, "Seizire in manum domini omnia bona et catalla omnium

<sup>1</sup> Brit. Mus., Add. Ch., 25864.



nativorum istius manerii ad praesens existencia seu in futuro contingencia." The order must, however, have been milder in execution than in spirit, for no traces of such seizures are to be met with; indeed it was probably made only in order to justify the bailiff in taking a heriot from lands held by the villains in free tenure, for no heriot could be taken from such lands, unless they had been seized by the lord before the holder's death.

But whilst the burdens due to villain status became no lighter, they certainly did not become more severe. To this statement an exception must be made in the case of the payments required from the villains that left the manor, a very natural exception when it is remembered how unwilling the lords now were for them to depart. It has been shown above how little oppression was exercised by the lords in demanding heavier labor services: it was for the same reasons that they likewise refrained from exacting more from their villains in the way of fines and other payments.<sup>1</sup>

Now if the chief purpose which the institution of villainage had served—that, namely, of securing to the lords a sufficiency of labor for cultivating the demesnes—was no longer fulfilled by it, it would seem that the reason for its existence had disappeared. For

<sup>1</sup> *Chivage*. At Cranfield, 1357, there was a payment of 3s. 4d.; at Holiwell, 1357, one of 2s.; at Elsworth, 1364, there were five men paying as chivage 3s. 4d., a chicken, 20s., 5s., a half mark, etc.

*Merchel*. At Therfield, 1351, a payment of a half mark; at Woolston, 1351, of 1s. 6d., and 1353 of 2s., and 1370 of 3s. 4d.; at Holywell, 1354, of 10s.; at Bright Waltham, 1355, of 4s., etc.

*Leyrwite*. At Cranfield, 1373, a payment of 1s.; at Upwood, 1373, two payments each of 2s.; at Barton, 1373, several payments each of 1s., etc.

*Tallage*. At Woolston, where in 1346 it had been 60s., in 1351 it was 6s. 8d.; in 1354 it was 13s. 4d.; in 1357 it was 20s.; in 1359 it was 26s. 8d.; 1360 it was 20s.; 1363 nothing was collected; 1368 it was 24s.; 1372 it was 20s.; 1376 it was 20s. 6d.; 1381 it was 20s.; 1382 it was 18s., etc.

it has been shown that the lords derived little benefit from villainage as a status; what they attached importance to was the tenure by which customary land was held; to them it was practically immaterial whether the tenant was a freeman or a villain, so long as he rendered due assistance in the cultivation of the demesne. In those innumerable cases, then, where the tenure ceased to secure labor, where the tenant's predial services had been commuted for a money rent, it would seem that the lord no longer had an object in insisting on his villain's status. True, the lord had a legal right to transfer a villain from a holding paying a money rent to one from which labor services were due, but it has been seen that he seldom found it expedient to do this. It should be remembered, however, that it was not yet apparent that the conditions then existing would be permanent. Whilst they avoided any oppressive action, the lords still hoped that a time was coming when the old order might be peacefully re-established; that the land now let at a money rent would some day again supply them with labor for the demesne. This hope was shown by the usual form of admission of the tenant on the new terms. It was generally said that the new arrangement should endure "*dum domino placuerit*" [sic]; or it was added, "*et si aliquis veniet qui voluerit facere pro dicta terra servicia prius inde debita admittatur ad voluntatem domini.*" The lords did not, therefore, let the status of their villains be forgotten, however little they now profited by it.

Villainage then as the personal condition of a class of the rural population remained practically unaltered throughout this generation. But in spite of efforts on the part of the lords to prevent it, the number of men in that class began rapidly to diminish. The villains

could not alter the nature of villainage, but they could pass out of the class of villains and become freemen. The rights and disabilities that went to make up the status were all recorded in manorial documents whose authority could not be gainsaid. But the names of the villains left alive after the plague were in very many cases not so recorded. In former days if any question arose as to their status, it had been settled by the testimony of their neighbors; but in the time of anarchy that followed the Black Death, when the manor officials together with a large number of the tenants had perished, such testimony was not easy to secure. Many a villain, therefore, successfully denied his status, made good his claim to freedom in the lack of evidence against him, and as so many holdings were vacant frequently received land from his lord to hold at a money rent. But the chief recourse at that time of villains that sought their freedom was, not a denial of status, but desertion from the manor. How common their desertion now became has already been indicated in speaking of the motives that urged the lords to refrain from oppression.<sup>1</sup> There is scarcely a court roll preserved from this period that does not contain a list of men that have run off from the manor; while the bailiffs accounts give an ever lengthening list of villain holdings that are vacant or have recently been let to freemen.

Just to what extent that one generation saw the class of villains thus diminished, it is of course impossible to say: the investigator must content himself with pointing out that the process was progressing and was progressing rapidly.

<sup>1</sup> See above, p. 344.

Such was the state of affairs when the Rising under Wat Tyler took place in 1381. It was long thought that this was caused by the oppression the lords heaped upon their villains. The theory was that the rise in the price of labor induced the land owners to require heavier services from the tenants of customary land than had been usual before the plague, and that the imposition of fines and punishments in the manorial courts had been likewise increased.

It is apparent from what has been said above that this theory is quite wrong, and the incorrectness of it is even more firmly established by other evidences. In the first place, the leading rôle in this movement was played by the men from Kent; and as the men from Kent—notwithstanding Froissart's assertion to the contrary—were not subjected to the burdens of villainage, it is obvious that they had some other object in view than that usually assigned as the motive of the insurgents. In other counties, again, it is noticeable that the bands under Tyler and Straw were swelled by the peasants from manors where an almost complete commutation of predial services had taken place;<sup>1</sup> whilst the peasants on many manors where the old custom still prevailed remained quiet and performed their labor as usual.<sup>2</sup> Furthermore, the mild treatment by the insurgents of those land owners that fell into their hands, contrasting as it does with the behavior of the Jacquerie in France in

<sup>1</sup> Thus at Foyle, Hants, 1380, the only labor on the demesne still done by tenants in villainage consisted of a "boon" day at shearing, at mowing, and at ploughing and in reaping 102 acres at harvest time. All other work necessary on the 403 acres that were sown was paid for. Yet the following year additional provision was made for hired men at shearing, "*quia custumarii venire noluerunt pro eorum rebellicione.*" —Brit. Mus., Add. Ch., 17479 ff.

<sup>2</sup> As at Woolston, Berks, Min. Acc., Bundle, 757; and at Elsworth, Cambs, Min. Acc., Bundle, 766.

the same century and of the revolting peasants in Germany in 1524, is evidence of the absence of any great bitterness of feeling toward the landlords.<sup>1</sup> Those that lost their lives or property were hated for other reasons than their oppressions of their villains.<sup>2</sup> Indeed, the lords themselves to some extent were active on the side of the insurgents,<sup>3</sup> which surely would not have been the case if the chief object of the movement had been to overthrow the class to which they belonged. It deserves notice, lastly, that the inhabitants of the towns and the free laborers were at least equally as deeply involved in the insurrection as the villains,<sup>4</sup> and the explanation above mentioned certainly does not account for their interest in the affair.

It is certain, however, that those villains who joined Wat Tyler and Jack Straw endeavored to seize the opportunity to attain their freedom. Yet the freedom they demanded was not a freedom from burdens that had become heavier, but rather from the remnants of their former burdens, which they submitted to with the greater impatience now that so many of their class were free from them, and they realized more fully the advantages of complete liberty<sup>5</sup>. It was

<sup>1</sup> Walsingham says the revolting peasants at St. Albans acknowledged that the Abbot had been "*aequus et placidus dominus*."—"Hist. Angl.," 474.

<sup>2</sup> Compare, Powell, "The Peasants' Rising in Suffolk," in *Trans. Royal Hist. Soc.*, N. S., VIII, 211, 215, 220, etc.

<sup>3</sup> *Ibid.*, 204.

<sup>4</sup> The list of those excepted from the amnesty proclaimed after the suppression of the revolt contains the names of 287 men, of whom 157 were Londoners. As regards their occupation, 230 were handicraftsmen, and eight were ecclesiastics.—*Rolls of Parl.*, 5, R. II; Knyghton, "*Chronicon*," Fol. 2633.

<sup>5</sup> Thus at Froyle, Hants, in 1378 the villains had already attempted to abolish what remained of their predial services "*propter exemplificationem quam habent de Domesday*." *Brit. Mus.*, Add. Ch. 17485. At Lullington, Sussex, a very considerable lightening of the predial

this that gave force to the preaching of such men as Ball, whose doctrine of social equality undoubtedly had its origin in the economic changes that were then taking place. Many villains had already acquired freedom, why should others remain in subjection? Many of their burdens had been lightened, why should not all be cast off? The lords no longer exercised some of their ancient rights over their villains, what entitled them to any rights at all? for

" When Adam delved and Eve span  
Who was then the gentleman?"

There were grounds enough for the discontent of the lower classes even though they had no increased oppression by the lords to complain of. A chief cause of their exasperation was the Statutes of Laborers, as is evident from the large participation in the Revolt of the artisans and free laborers who worked for money. They hated a government that caused them as much suffering as these laws brought upon them; and their exasperation was increased by the failure of the government to protect them from foreign enemies. Year after year the French pirates landed and harried the South; in 1377 they burned Rye, Portsmouth, Dartmouth, Plymouth, and other towns along the coast; three years later they took Winchelsea, and put to flight the Abbot of Battle with his monks who tried to resist them. The Scotch were

services had taken place within the past twenty years; yet in the spring of 1381 the bailiff had to hire additional labor "quia isto tempore tenentes deseruerunt Johanni Strawen. Minn. Acc., Bundle 1029. At St. Albans the insurgents did not complain of an oppression become more severe since the plague; they claimed an old document through which, as they were told, they were entitled to complete freedom. In reality, however, they had been deceived, and no such document existed. Walsingham, "Hist. Angl.," 474.

equally troublesome in the North, whither John of Gaunt had gone when the Rising occurred. The West was already in a ferment with the troubles that afterwards came to a head under Owen Glendower. When the government under the regency of John of Gaunt, which had failed in the French war, had failed to protect the people and maintain peace and order, and had afflicted them with the Statutes of Laborers, presumed to demand a poll tax and entrusted the collection of it to such men as Legge, the people would bear with it no longer. They rose in their wrath, marched to London, beheaded the Chancellor, Legge, and others, burned John of Gaunt's palace, as he was out of their reach, administered an oath to all that joined them that they would never accept John as their king, but lost their leader and were dispersed before they formed a definite idea of the reforms they wanted.

The insurrection was quickly and completely suppressed, and so far as the abolition of villainage is concerned, there is no evidence that it had the slightest effect.

In villain tenure the great change that began immediately after the Black Death, continued to be carried through without any interruption from the Revolt. One after another, as they became prepared for it, the tenants entered into an agreement with their lords to pay a yearly money rent for the customary land they held instead of rendering predial services on the demesne. The manner in which the transition from such services to hired labor for agricultural operations took place on most manors will be made clearer by a few examples.

At Stevenage, a manor in Hertfordshire belonging to



Westminster Abbey, there were in the first half of the fourteenth century fourteen virgates of customary land, which were divided into half virgate holdings and let by villain tenure to twenty-eight tenants. In addition to this land there were four small villain holdings known as cotlands. In the year 1334 the bailiff cultivated 325 acres of the demesne. He employed by the year four ploughmen, a carter, and several men to take charge of the livestock on the manor, giving them rations in grain and meat and making to each a small donation in money. The tenants in villainage owed altogether 3231 *opera*, and these sufficed to carry out all the agricultural operations except the team work, which was discharged by men maintained by the year. To complete the threshing of the grain by the proper time in winter the bailiff had to hire labor which cost him thirty-two shillings; but this expense was met by the sums collected from those villains that did not come to their work when the bailiff summoned them. This arrangement remained unchanged till 1349, when six and a quarter virgates of villain land became tenantless by reason of the pestilence. That year 300 acres were sown, but in autumn, as the customary labor had fallen off by more than a third, and hired labor was not to be had in sufficient quantity, a part of the grain had to be left standing in the fields. In 1352 only 219 acres could be sown, for seven and a half virgates and three cotlands were unoccupied. Five years later nine and a half virgates had become vacant, partly from the death, partly from the desertion of the villains; but as a portion of the land had been let at a money rent, the bailiff was able to cultivate 245 acres, using the money received from the tenants to pay for the additional labor hired. By 1360 only four virgates were held by men that per-

formed the old labor services; in 1373 the number had been reduced to three; in 1377 to two; and in 1386 all the customary land had been let at a money rent, so that the bailiff had to hire labor for carrying out all the operations necessary on the 230 acres he cultivated that year. After this time there is no sign of predial services being rendered by villains on this manor.<sup>1</sup>

At Warboys, Co. Huntingdon, a manor of Ramsey Abbey, the change did not take place so early as at Stevenage, but the manner of it was very similar. In 1380 there were still twenty-one and a half virgates held "in opere," that is, the tenants were performing predial services; and there were besides two "maltmen" [Molmen?] The tenants owed altogether 4216 *opera* and a few "boon" works; but as the bailiff did not need all of them on the demesne, they performed only 2785, and the rest were either excused or paid for at the rate of a halfpenny apiece. The Peasant's Revolt seems to have had absolutely no effect on this manor, for in 1390 there were twenty virgates and two and a half "maltmen" "in opere," and they performed 2407 *opera*. After this, however, the change proceeded rather more rapidly, and by 1413 there were only seven and three quarters virgates and three "maltmen" still "in opere." In that year the old *opera* at Warboys and on a number of other manors belonging to Ramsey Abbey were done away with and substituted by new and much lighter ones, a change for which each virgate holder paid 12s, each "maltman" 6s. There was little progress after this for many years, and it was not till 1453 that, for some reason which the bailiff does not disclose, the *opera* were completely and permanently abolished. Indeed even after this, according to an old

<sup>1</sup> Min. Acc., Bundle, 871.

rental that has been preserved, the tenants might be called on for a "boon" at shearing time and in the hay harvest.<sup>1</sup>

At Wistow, another manor of Ramsey Abbey in the the same county, the process was about the same. Here, however, the lightening of the *opera* due from the tenants that still held in villainage, which had taken place at Warboys in 1413 did not occur till 1422. In 1443 there were eight and three quarters virgates remaining "in opere," but it was agreed that their services should be substituted by money payments for the space of twenty years, each virgate holder paying 8s. a year for the concession and rendering a boon at shearing and mowing. There is no evidence of a return to the old order at the end of the term of years, and the arrangement of 1443 was still unchanged forty years afterward.<sup>2</sup>

Many similar examples might be given, but these are enough to illustrate the manner in which the process of commutation went on.

In explanation of the continuation of the process little can be added to what was said in speaking of its beginning in the generation after the Black Death. The old system of cultivating the demesne with the compulsory labor of men that had land of their own to take care of, was clumsy and ineffective in the extreme and suited only to a period of development in which a money system was unknown. The numerous fines recorded in the court rolls of the thirteenth and early fourteenth centuries show with what difficulty the bailiffs forced the villains to do their work properly; and testify likewise to the unwillingness with which

<sup>1</sup> Brit. Mus., Add. Ch. 39826 ff.

<sup>2</sup> Brit. Mus., Add. Ch. 39,900 ff.

the villain left the tilling of his own fields to labor on the demesne. So soon therefore as a money system came to be understood by the rural population, those bound to labor rents forced the lords to agree to a commutation. That the lords did so unwillingly is evident from the wording of the new terms and from the gradual manner in which the change was made. The reason for their unwillingness was the necessity they were under of cutting down their agricultural operations if they were forced to depend on hired labor. For the money received from the tenants in villainage for the concession was no fair compensation for the labor lost. In the thirteenth century the price paid by a villain, if he wished to be relieved from a day's work, was a halfpenny in winter, a penny in spring and autumn, and three halfpence in summer. This price had become established by a custom of many generations, and the lord was unable to get a higher one in the fifteenth century when for hired labor he had to pay several times as much.

The chief means used by the villains to compel the lords to accept their terms seems to have been desertion, and this the lords found it impossible to prevent. One after another the villains left their homes to seek an easier livelihood elsewhere. Sometimes they left with the lord's permission, but in most cases without it. Thus at Cranfield in 1410 the jury stated in the manorial court that at that time thirteen villains were living off the manor. Few years passed that one or more did not run away, and in 1420 eight escaped together one night and went to Gloucester. At Shillington in 1410 twenty-one villains had gone off; at Therfield eighteen, one of whom had been employed as collector of the payments due to the lord and had absconded with £10; at Houghton twenty-nine were

gone; at Barton twenty, including two boys that had been sent to school without permission.<sup>1</sup> It was very soon after this date that a general lightening of the predial services took place on these manors, and in the absence of traces of any other cause by which the lord could have been influenced, it is not bad logic to conclude that the change was made to prevent the land from being utterly deserted. So it came about that through the mere threat of desertion the villains could obtain almost any concession. At Chatteris, for example, the jury presented that J. P. did not keep up his holding as he should, and the court ordered him to make the necessary repairs; but "*non reparavit tenementum et dicit quod non vult reparare sed potius dimittere et abire.*"

The result was that when the first third of the fifteenth century ended the abolition of predial services, as will be seen from the following table, was approaching completion. There were still some manors, however, where the villains were held to a performance of a little labor, and a few where they continued to perform a great deal. But in most of these manors the process was completed soon after the period of enclosures began, when the lords not only ceased their efforts to prevent the departure of their tenants but actually encouraged it. After 1450, therefore, it became very rare to find a manor still cultivated by the compulsory labor of villains. Here and there, it is true, traces of predial services survived to a much later date,<sup>2</sup> but for the country at large the

<sup>1</sup> Court Rolls, 179/50.

<sup>2</sup> At Chatteris, Cambridgeshire, for example, there were thirty-two tenants of eight acre holdings in 1461 that owed six *opera* a year and forty-two cotters that owed three. Each received a penny apiece *sine cido* when he performed an *opus*.—Min. Acc., Bundle, 766. At Ilseworth, Middlesex, the tenants had to mow the hay in 1473 on 18 acres, receiving food and 18*d.* for doing so.—Min. Acc., Bundle, 926.

TABLE III.

Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
Shillington	{	Z	Bedford	Ramsey Abbey	1380-1390
		O	"	"	1400-1410
Sutton		O	"	"	1390-1400
Ashton Clinton		O	Berkshire		1410-1420
	300	Y	"		1380-1390
Bright Waltham	250	Y	"		1390-1400
	350	Y	"		1400-1410
	325	Y	"		1410-1420
Didcot	130	Y	"		1380-1390
East Garston		Z	"		1400-1410
Risborough		O	"	Risborough Priory	1420-1440
West Wittenham		O	"		1420-1440
	150	Z	"		1380-1390
	175	Z	"		1390-1400
Woolston	175	Z	"		1400-1410
	130	Z	"		1410-1420
	100	Z	"		1420-1440
Cuddington		Y	Buckingham	Rochester Priory	1410-1420
Steeple Claydon		O	"		1380-1390
Wendover		O	"		1400-1410
Whaddon		O	"		1380-1390
Wyrardisbury		O	"	The King	1380-1390
Barnwell		O	Cambridge	Barnwell Priory	1400-1410
Burwell	{	Z	"	Ramsey Abbey	1410-1420
		Z	"	"	1420-1440
		Z	"	"	1390-1400
Chatteris	{	Z	"	"	1400-1410
		Z	"	"	1410-1420
		Z	"	"	1420-1440
		Y	"	"	1380-1390
Elsworth	{	Y	"	"	1390-1400
		Y	"	"	1400-1410
		Z	"	"	1420-1440
Graveley	{	Y	"	"	1380-1390
		Y	"	"	1390-1400
		Z	"	"	1410-1420
Knapwell	{	142	"	"	1400-1410
	162	Z	"	"	1410-1420
		Z	"	"	1420-1440
		Z	"		1390-1400
Soham <sup>1</sup>	{	Z	"		1400-1410
		Z	"		1410-1420
		Z	"		1420-1440
		Y	"	Lord Tiptoft	1380-1390
Hardleston <sup>2</sup>	{	150	"	"	1390-1400
		O	"	"	1420-1440
Fordham		O	"		1380-1390
	120	X	"	Bishop of Ely	1380-1390
Great Shelford	{	200	"	"	1390-1400
	200	Y	"	"	1400-1410
		Y	"	"	1410-1420
Uphall		O	"		1380-1390

<sup>1</sup> Add. Ch., 10449 ff.<sup>2</sup> *Ibid.*, 18527 ff.

Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
Wilburton <sup>1</sup>	{	Y	Cambridge	Bishop of Ely	1380-1390
		Y	"	"	1390-1400
		Z	"	"	1400-1410
		Z	"	"	1410-1420
Baddow	25	Z	Essex	"	1420-1440
Bardfield		O	"	"	1410-1420
Claret		O	"	"	1380-1390
Colnewake		O	"	"	1390-1400
Dedham		O	"	"	1390-1400
Dunmow	{	Z	"	"	1410-1420
		O	"	"	1380-1390
Fearing <sup>2</sup>	{	Y	"	St. Paul's	1410-1420
		Y	"	"	1390-1400
		Y	"	"	1400-1410
		350	Y	"	1420-1440
Felstead		Z	"	Sion Abbey	1420-1440
Hatfield		Z	"	"	1410-1420
Hoton	150	Y	"	Battle Abbey	1390-1400
Kelvedon <sup>3</sup>		O	"	St. Paul's	1420-1440
Lammersh		O	"	"	1390-1400
Ugley	210	Y	"	"	1390-1400
Wakering	210	Y	"	"	1410-1420
Waltham	250	X	"	Countess Glouc'st'r	1390-1400
Weathersfield		O	"	Duke of Gloucester	1390-1400
Wickham <sup>4</sup>	110	Y	"	St. Paul's	1410-1420
Wykes		Y	"	"	1390-1400
Avening		O	Gloucester	"	1410-1420
King's Berton		O	"	"	1410-1420
Cheltenham		O	"	"	1390-1400
Horsley		O	"	"	1410-1420
Minchin Hampton		Z	"	"	1410-1420
Bayford		O	Hertford	"	1380-1390
Esyndon		O	"	"	1380-1390
Hadham <sup>5</sup>	150	O	"	"	1390-1400
Sawbridgeworth		O	"	"	1420-1440
Stevenage	225	O	"	"	1390-1400
Weston		O	"	"	1390-1400
Aylton	{	250	Z	Huntingdon	Ramsey Abbey
		Z	"	"	1380-1390
		Z	"	"	1390-1400
Brington	{	X	"	"	1420-1440
		X	"	"	1380-1390
Holywell	{	150	X	"	1380-1390
		150	X	"	1390-1400
		O	"	"	1400-1410
Houghton	{	220	X	"	1410-1420
		175	X	"	1380-1390
		Y	"	"	1390-1400
Raveley <sup>6</sup>		Z	"	"	1410-1420
Abbot's Ripton	{	Y	"	"	1420-1440
		Y	"	"	1410-1420
		Z	"	"	1420-1440

<sup>1</sup> English Hist. Review, July, 1894.<sup>2</sup> Ibid., Press B, Box 90.<sup>3</sup> Ibid., Press B, Box 81, ff.<sup>4</sup> Add. Ch., 39915.<sup>5</sup> St. Paul's Library, Press B, Box 81 ff.<sup>6</sup> Ibid., Press B, Box 86 ff.



Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
King's Ripton	{ 180	X	Huntingdon	Ramsey Abbey	1380-1390
	{ 180	X	"	" "	1390-1400
	{ 175	X	"	" "	1380-1390
Slepe	{	Y	"	" "	1410-1420
	{	Z	"	" "	1420-1440
Somersham	{ 90	Z	"	Bishop of Ely	1410-1420
	{	Z	"	" "	1420-1440
	{ 175	X	"	Ramsey Abbey	1390-1400
Warboys <sup>1</sup>	{ 210	Y	"	" "	1410-1420
	{	Z	"	" "	1420-1440
Weston	{ 115	X	"	" "	1380-1390
	{ 190	X	"	" "	1380-1390
Wistow <sup>2</sup>	{ 180	X	"	" "	1390-1400
	{	Y	"	" "	1410-1420
	{	Z	"	" "	1420-1440
	{ 150	X	"	" "	1390-1400
	{ 175	Y	"	" "	1400-1410
Upwood <sup>3</sup>	{ 175	Z	"	" "	1410-1420
	{	Z	"	" "	1420-1440
Enderby	O		Leicester	Earl Somerset	1420-1440
Kirkby	O		"	" "	1400-1410
Sheepshead	O		"	" "	1390-1400
Kirkton	O		Lincoln	" "	1410-1420
Bennington	O		"	Countess Glouc'st'r	1390-1400
Fleet	O		"	" "	1390-1400
Harrington	114	O	"	" "	1380-1390
Fullham	O		Middlesex	St. Paul's	1390-1400
Ealing <sup>4</sup>	O		"	" "	1410-1420
Hackney <sup>5</sup>	{	Z	"	" "	1390-1400
	{	O	"	" "	1410-1420
Isleworth	Z		"	" "	1380-1390
Ruislip	O		"	Duke of Bedford	1420-1440
Stepney <sup>6</sup>	O		"	" "	1380-1390
Aldborough	109	Z	Norfolk	St. Paul's	1420-1440
Bresingham <sup>7</sup>	102	X	"	" "	1400-1410
Cotton	143	O	"	" "	1420-1440
	{	Z	"	" "	1400-1410
Ditchingham	{	O	"	" "	1420-1440
Framingham	O		"	" "	1380-1390
Great Cressingham	O		"	" "	1410-1420
Haverynghond <sup>8</sup>	O		"	" "	1410-1420
Hindringham <sup>9</sup>	Y		"	" "	1410-1420
Horningtaft <sup>10</sup>	O		"	" "	1420-1440
Lessingham	O		"	" "	1420-1440
Methwold	Y		"	" "	1390-1400
Necton	O		"	" "	1420-1440
Ormsby	O		"	" "	1410-1420
Pirnowe <sup>11</sup>	Y		"	" "	1380-1390
Popinho	O		"	" "	1410-1420
Runcton	O		"	" "	1420-1440

<sup>1</sup> Add. Ch., 39800 ff.<sup>2</sup> *Ibid.*, 34851 ff.<sup>3</sup> *Ibid.*, Press B, Box 85.<sup>4</sup> Add. Ch., 16536 ff.<sup>5</sup> *Ibid.*, 19069 ff.<sup>6</sup> *Ibid.*, 39897 ff.<sup>7</sup> St. Paul's Library, Press B, Box 88.<sup>8</sup> *Ibid.*, Press B, Box 85.<sup>9</sup> *Ibid.*, 9176.<sup>10</sup> *Ibid.*, 1753.<sup>11</sup> *Ibid.*, 15717.

Name of Manor.	Acres Sown.	Work Done by Vil- lains.	County.	Owner.	Date of Records Between
South Walsham	O		Norfolk		1400-1410
Stowe Bardolph	O		"		1420-1440
Suffield	O		"		1390-1400
Swaffham	O		"		1420-1440
Thornage	Z		"		1410-1420
Wighton	O		"		1390-1400
Wormegay	O		"		1420-1440
Eydon	O		Northampton		1400-1410
Higham Ferrers	{ Z		"	Duke of Lancaster	1380-1390
Passenham	{ O		"	" "	1390-1400
Raundes	Z		"	"	1380-1390
Rushden	O		"	Duke of Lancaster	1390-1400
Beckley	O		"	"	1390-1400
Crowmarsh	Z		Oxford		1410-1420
Ducklington	O		"	Battle Abbey	1390-1400
Horton	O		"		1410-1420
Kirtlington	Z		"		1410-1420
Mussadere	O		"		1410-1420
Northleigh	O		"		1410-1420
Stratton	O		Oxford	Bicester Priory	1410-1420
Avington	230 Z		Southampton		1380-1390
Froyle <sup>1</sup>	{ 400 Z		"	St. Mary Winch.	1380-1390
	{ 350 Z		"	" "	1390-1400
	{ O		"	" "	1410-1420
Maple Durham <sup>2</sup>	147 Z		"		1400-1410
Penton Mewsey	O		"		1380-1390
Raydon	100 O		"	Netley Abbey	1410-1420
Somborne	O		"		1410-1420
Totton	O		"	Netley Abbey	1410-1420
Weston	{ Z		"	Christ Church Pr'y	1410-1420
	{ Z		"	" " "	1420-1440
Worthy	O		"	Earl Mortimer	1380-1390
Wroxall	O		Isle of Wight	Netley Abbey	1380-1390
Acton	{ 380 Z		Suffolk		1390-1400
	{ 380 Z		"		1400-1410
Erbury	275 Y		"	Battle Abbey	1380-1390
Halisworth <sup>3</sup>	O		"		1420-1440
Hoxon	Z		"		1410-1420
Hundon	{ 330 X		"	Earl of March	1380-1390
	{ X		"	" "	1390-1400
Kelsale	O		"		1390-1400
Kersey	O		"		1390-1400
Layham	{ Z		"		1380-1390
	{ Z		"		1390-1400
Lawshall	O		"	Ramsey Abbey	1380-1390
Oxenhall	{ Z		"		1380-1390
	{ O		"		1400-1410
Soham	O		"	Earl of Norfolk	1390-1400
Thornham	O		"		1410-1420
Wickham Skeith	O		"		1410-1420
Banstead	165 Z		Surrey		1380-1390
Bytleet	Y		"	The King	1380-1390
Croydon	O		"		1410-1420

<sup>1</sup> Add. Ch., 17479 ff.<sup>2</sup> *Ibid.*, 2765b.<sup>3</sup> *Ibid.*, 2597b.

Name of Manor.	Acres Sown.	Work Done by Villains.	County.	Owner.	Date of Records Between
Horsley	{ 150	X	Surrey		1380-1390
	{ 150	Y	"		1390-1400
Worplesdon		O	"	The King	1390-1400
Appledram	{ 275	Z	Sussex		1380-1390
	{ 125	Z	"		1420-1440
Brighton		O	"		1380-1390
Bury	125	X	"		1390-1400
Ecclesdon		Z	"		1390-1400
Hampton	187	Z	"		1400-1410
Harting <sup>1</sup>	350	Y	"		1390-1400
	{ 250	X	"	Battle Abbey	1380-1390
	{ 250	Y	"	"	1390-1400
Lullington	{ 225	Z	"	"	1400-1410
	{ 200	O	"	"	1420-1440
Talworth		Z	"		1390-1400
Bidford	180	O	Warwick	Bordesley Priory	1420-1440
Knowle	55	Z	"	Maxstoke Priory	1400-1410
Abberton	{ 150	Z	Worcester	Pershore Abbey	1400-1410
	{ 150	Z	"	"	1420-1440
Alderminster	{ 250	Z	"	"	1390-1400
	{ 125	Z	"	"	1420-1440
Aylesboro	{ 125	Z	"	"	1390-1400
	{ 219	Z	"	"	1410-1420
Bushley <sup>2</sup>		O	"	St. Paul's	1410-1420
Hewell	225	Z	"	Bordesley Priory	1420-1440
Longdon		O	"	Westminster	1380-1390
Salwarp	{	Z	"		1380-1390
	{	O	"		1400-1410
Tardebigg		Z	"		1420-1440
Wadborough	40	O	"		1400-1410
Aldbourn		O	Wiltshire		1420-1440
Amesbury		O	"	Duke of Bedford	1420-1440
Box		Z	"		1390-1400
Britford	250	Y	"		1380-1390
	{ 210	Y	"		1380-1390
	{ 200	Z	"		1390-1400
Bromham	{ 125	Z	"		1400-1410
	{ 130	Z	"		1410-1420
	{ 130	Z	"		1420-1440
Chilterne	150	O	"		1420-1440
Elstone	116	Z	"		1380-1390
West Heytesbury	{	Z	"		1390-1400
	{	Z	"		1400-1410
East Heytesbury	{ 187	Y	"		1380-1390
	{	Z	"		1390-1400
	{	Z	"		1400-1410
Homegrange	150	Z	"	Stanley Abbey	1410-1420
Kington	100	Y	"	Glastonbury Abbey	1400-1410
Oaksey		Z	"		1420-1440
Seend		O	"		1420-1440
Teffont	{	Z	"		1390-1400
	{ 125	O	"		1400-1410
Upavon		Z	"		1380-1390
Winterboz		O	"		1400-1410

<sup>1</sup> Add. Ch., 18553.<sup>2</sup> St. Paul's Library, Press B, Box 88.

old system of manorial agriculture was completely and permanently broken down. ✓

With the completion of the transition from predial services to money rents tenure in villainage may be said to have come to an end. Some of the old incidents of it, such as fines on alienation, inability of the tenant to cut and sell trees, and even the payment of heriot, have indeed continued to mark tenure by copy of court roll down to the present century. But the essence of villain tenure had consisted in the uncertainty of the tenant's services, and when the old agricultural services were commuted for a fixed money payment this uncertainty passed away.

Very gradually the tenure came to be known in the manorial documents by a new name. Until the great shock to the manorial organization was given by the Black Death, the expression "*tenet in villenagio*" or "*tenet in bondagio*" had generally been followed by "*secundum consuetudinem manerii*": to hold in villainage meant to hold according to the custom of the manor: and title to land so held had been established by the testimony of men that knew this custom. But by reason of the greater fluidity of the rural population that grew up in the last half of the fourteenth century and the disorder of those troublous times, such testimony ceased to be adequate. It now became usual, therefore, to do what at an earlier date had rarely occurred: to appeal for evidence of title and of services due by reason of it to the roll of the manorial court.<sup>1</sup> A copy of the entry on the court roll became the title to customary land, and the name being

<sup>1</sup> Thus at Stevenage in 1367 the jury states "*quod [9 men] tenent diversa tenementa in bondagio per rotulum curiae. Set ignorant an debeant sectam vel non; [therefore they are ordered] habere ad proximam copias suas per quas dicta tenementa tenent.*"—Pub. Rec. Off., Court Rolls, 178/50.

adapted to the fact, the tenant was said to hold "per copiam rotuli curiae," or by copy. The second expression, however, "secundum consuetudinem manerii", was not omitted; and it meant in the middle of the fifteenth century many things that it had meant two hundred years earlier, but with the great exception that this "consuetudo manerii" was no longer uncertain. With the change from labor to money rent the custom had become definitely fixed, and need no longer, therefore, be determined by tradition, since this could be better done by an appeal to the manorial records.

There was yet a third expression used in the court rolls both in the thirteenth and in the fifteenth centuries: the tenant was said to hold not only "in villainagio" (or afterwards "per copiam rotuli") "secundum consuetudinem manerii", but also "ad voluntatem domini." Now it has been shown<sup>1</sup> that in the thirteenth century this third expression was limited by the second, that the "will of the lord" was exercised only "according to the custom of the manor." But when the custom of the manor changed after the abolition of predial services, so also did the relation of the two expressions. To hold "according to the custom of the manor at the will of the lord" came to mean that the new custom, although the terms of it were not definitely known, could be abolished when the lord pleased. The transition can be clearly traced in the court rolls. Thus at Stevenage in 1361 "concessum est per dominum quod J. C. habeat et teneat ad terminum vitae suae unum messuagium cum dimidia virgata terre quas J. F. quondam tenuit de domino reddendo inde annuatim decem solidos pro omnibus serviciis. *Et si aliquis veniet infra dictum terminum qui voluerit facere domino pro*

<sup>1</sup> See above, p. 304.

*dicta terra servicia prius inde debita et consueta admittatur ad voluntatum domini.*"<sup>1</sup> Again at Woolston in 1355, "R. J. pro dimidia virgata habenda et secundum consuetudinem manerii native tenenda *quousque aliquis veniet ad faciendum proinde reddita et servicia antiqueta et consueta* dat domino de fine duodecem denarios et dat domino annuatim pro operibus suis relaxatis sex solidos octo denarios."<sup>2</sup> So also when the uncertain services of the tenants in villainage on the manors of Ramsey Abbey were commuted, it was expressly stated that the new arrangement should endure in one case only for twenty years, in the other "*dum domino placuerit.*"<sup>3</sup> Such entries are typical, and are very frequent on the court rolls of that time.

During the period of transition there was much confusion in the practice of the manorial courts with regard to title to customary land. There seems to have been no sharply drawn distinction between copyhold and leasehold and no definite understanding of the degree in which either tenure depended on the will of the lord. At Stevenage, for example, in 1387, "T. Kyng sursum reddit in manum domini totam illam terram quam tenuit de domino *per rotulum curiae ad terminum annorum.*"<sup>4</sup> In 1385 a tenant "qui tenuit messuagium et dimidiam virgatam *ad terminum vite sue* reddendo inde pro omnibus aliis serviciis decem solidos venit in curiam et dimisit et concessit terram predictam [to another] *ad terminum vite sue* et dat domino de fine *pro isto irrotulamento faciendo* sex denarios."<sup>5</sup> That the dependence of the tenant of customary land on the will

<sup>1</sup> Court Rolls, 178/50.

<sup>2</sup> Court Rolls, 154/77.

<sup>3</sup> See above, pp. 363, 355.

<sup>4</sup> Court Rolls, 178/53.

<sup>5</sup> Court Rolls, 178/53.

of the lord was more uncertain, and therefore greater, after the change of the custom, is shown by such a case as the following. At Woolston in 1360 Walter Martyn died. He had held a messuage and virgate in bondage for which he rendered the ancient predial services and other customs; another messuage and virgate of customary land he had taken at a fixed money rent. On his death his widow was admitted to the first holding, and the question arose whether she was entitled to the second. The bailiff seized a heriot from both, thus treating them as if they were held by the same kind of tenure, but he refused the widow seizin of the land held at a fixed rent. She came into court and claimed that she should have admission to the land held at a money rent, alleging that this land was of the same condition, "*eadem condicione*," as the other, and that by paying the yearly sum for which the *opera* had been commuted she was equally entitled to it. The jury found itself unable to decide, since the old custom did not apply in this case, and the question was referred to the lord of the manor. No decision was reached for three years, and then the case was compromised. The widow paid a fine of twenty shillings as merchet to marry whom she chose, and it was agreed that her new husband should have entry to both holdings on the terms by which Walter had held them.<sup>1</sup> But another widow was not so fortunate. On the death of her husband in 1360, the land which he had held at a money rent was seized by the lord and afterwards let to some one else.<sup>2</sup>

In view of all this confusion it is scarcely justifiable to assume, as has sometimes been done, that the establish-

<sup>1</sup> Court Rolls, 154/78.

<sup>2</sup> *Ibid.*



ment of fixed money rents immediately gave the tenants of customary land greater security than they had formerly enjoyed. They had been protected by the old custom of the manor, and when that custom was broken down the protection it gave ceased with it. But although they were more strictly "at the will of the lord" than formerly, the tenants were as yet in little danger of actual eviction. For the lords found it impossible to let their lands on terms more favorable to themselves than those established by the new arrangement. The tenant held at a money rent "until another should come to take the land on the old terms;" but that other never came. Or the new arrangement was to last only "so long as the lord pleased;" and he did not find it to his advantage to break it. The tenants, therefore, found increased security, not in the alteration that took place in the nature of their services, but in the economic condition of the country.

By the middle of the fifteenth century this condition had begun to alter greatly to the tenant's disadvantage. The old three-field system of agriculture was giving way; the landlords were finding it more profitable to cultivate their lands by another system or were devoting it to sheep raising; the period of enclosures had begun. The tables were now completely turned on the tenants; they could no longer wring concessions from the lords by the threat of desertion; on the contrary, their departure would be gladly welcomed as affording an opportunity to enclose their holdings for pasture or for convertible husbandry. The security, therefore, which had been afforded by the economic condition of the country was destroyed by this agricultural revolution.

Mr. Leadam, in order to account for the evictions that took place during the period of enclosures, holds that

before the predial services were commuted there had been two kinds of unfree tenure which materially differed from each other.<sup>1</sup> One was the tenure by which freemen, villains, or serfs—for he makes a distinction between villains and serfs<sup>2</sup>—had held customary land. The lord could not evict even a serf who held by this tenure,<sup>3</sup> which was tenure in villainage, nor could he impose on him ruinous tallages.<sup>4</sup> He believes that it was this form of tenure that eventually developed into copyhold.<sup>5</sup> The other form of unfree tenure, known as tenure in bondage, was that by which bondmen held portions of the demesne called *terra nativa*, and this tenure was strictly at the will of the lord.<sup>6</sup> Elsewhere he acknowledges that land in villainage was sometimes said to be in bondage,<sup>7</sup> but insists that till the end of the century lands of a bondman might be seized by the lord at his pleasure,<sup>8</sup> whilst copyholders were protected by the king's court.<sup>9</sup>

But such a distinction between villains and bondmen and between "*terra custumria*" and "*terra nativa*" is not observed in the manorial documents at least of the fourteenth and fifteenth centuries. Not only was land in villainage "sometimes" said to be in bondage, but the terms were convertible; the characteristics of one tenure were identical with the characteristics of the other; neither was more at the will of the lord than the other; and both developed into copyhold tenure.

<sup>1</sup> Trans. Royal Hist. Soc., New Series, VI, 209.

<sup>2</sup> *Ibid.*, VII, 132.

<sup>3</sup> *Ibid.*, VI, 216.

<sup>4</sup> *Law Quarterly Review*, IX, 355.

<sup>5</sup> Trans. R. Hist. Soc., N. S., VI, 212.

<sup>6</sup> *Ibid.*, 197.

<sup>7</sup> *Law Quarterly Rev.*, IX, 352.

<sup>8</sup> *Ibid.*, 356, 360.

<sup>9</sup> *Ibid.*, 358.

A few examples taken at random from the many that have been observed in the proceedings of the manorial courts will make it evident that this is true.

At Bright Waltham, Berkshire, in 1331, J. S. was holding a certain tenement in bondage; he permitted it to deteriorate, and therefore it was seized by the lord. The following year the same land was let to R. T. to hold in villainage.<sup>1</sup> On the same manor in 1340 R. A. who held a messuage and half virgate in bondage died. His widow came into court and claimed the land to hold "according to the custom of the manor;" and as the jury testified that she had the custom in her favor the land was given to her.<sup>2</sup> It does not seem, therefore, that land in bondage was more at the will of the lord than land in villainage. In 1341 another tenant in bondage died, and on the payment of the usual fine to have entry his son received his land to hold according to the custom of the manor.<sup>3</sup> Evidently then on this manor to hold land in bondage, to hold it in villainage, and to hold it according to the custom of the manor meant one and the same thing. At Cuddington in Suffolk about twenty men in 1331 claimed that they held their land "in bondagio." Their services for a messuage and one virgate were enumerated, amounting to about three shillings ten pence in money and thirty-six *opera* a year, and it was minutely specified how the *opera* were to be spent. From this it seems that the services of a tenant in bondage were not more uncertain than those of a tenant in villainage. That same year a stranger, "adventicius", arrived on the manor, and received from the lord a messuage and a half virgate to hold in bondage, whence it is apparent that the tenant

<sup>1</sup> Court Rolls, Bundle 153.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

in bondage might be a freeman.<sup>1</sup> On this manor also, as at Bright Waltham and elsewhere, we find sons inheriting the land which their fathers had held in bondage under exactly the same conditions as prevailed for land held in villainage. That the services due from a tenant in bondage were not more uncertain than those due from a tenant in villainage is further shown by the fact that at Cranfield, Bedford, in 1350, W. W., lately deceased, had been holding land "in bondagio censo", that is, in bondage but at a fixed money rent.<sup>2</sup> At Stevenage, Hertfordshire, in 1367 there were nine men holding land "in bondagio per rotulum curiae."<sup>3</sup> Such cases were not infrequent, and show conclusively that tenure in bondage as well as tenure in villainage developed into copyhold; so that whatever protection was afforded the freeman holding by copy in the fifteenth century was enjoyed likewise by the villain. On this manor, furthermore the holdings of the villains are called *virgates* or customary land in the bailiffs accounts and "*terra nativa*" in the court rolls; and the tenants themselves are spoken of as "*custumarii*" by the bailiff, while in the court rolls they appear as tenants in bondage. As the same names were similarly used at Woolston and on many other manors, the necessary conclusion is that "*terra nativa*" and "*terra custumaria*" were two names for the same thing; and that tenure in bondage and tenure in villainage were identical.

It is no part of the object of this paper to discuss who the sufferers from the enclosures were, nor by what tenure they held. It is intended, however, to emphasize that there is no evidence to show that they were villains or bondmen rather than freemen or that their tenure

<sup>1</sup> Court Rolls, 204/44.

<sup>2</sup> Court Rolls, 179/33.

<sup>3</sup> Court Rolls, 178/50.

was in any way peculiar to unfree men. The land from which they were ejected may very well have been portions of the demesne, and it may equally well have been portions of the customary land that had been surrendered by the former tenants and afterwards let strictly at the will of the lord and not by copy.

But whoever the sufferers were, and whatever the land was that they held, their tenure was something entirely different from villainage. For during the period when the ancient manorial custom was falling into impotent decadence, another power was gradually usurping the control of manorial affairs and offering protection to the copyholder, as the tenant in villainage was now coming to be called. It will be remembered that a characteristic of the ancient tenure in villainage, following from the uncertainty of the tenant's services, was that it was unprotected by the king's court. By the end of the fourteenth century it has been shown that this uncertainty had in large measure ceased to exist. There remained, therefore, little reason for a continued abstention of the king's court from interference between lords and customary tenants. Exactly when such an interference began it is impossible to say. Mr. Leadam, whose careful investigation of the circumstances of the enclosures has thrown much light on the condition of the peasantry, thinks it may be traced back to the time of the Revolt under Wat Tyler.<sup>1</sup> But be that as it may, he has shown conclusively that the eviction of copyholders during the agricultural revolution was extremely rare, and has made out a strong case to prove that their security was due to the protection given them by the king's court.<sup>2</sup> When it became possible for an ousted

<sup>1</sup> Trans. Royal Hist. Soc., New Series, VI, 236.

<sup>2</sup> Trans. Royal Hist. Soc., New Series, VI, 241; and *Eng. Hist. Review*, VIII, 684 ff.

copyholder to proceed by petition from the court of his lord with an appeal to chancery, and when Chief Justice Danby in 1467 declared himself ready to grant him an action of trespass if evicted by his lord, though no possessory action lay at common law, we cannot escape the conviction that processes had been devised that gave him security equal at least to that of the small freeholder.

Villainage as a status did not pass away so early as villain tenure. Indeed, well on in the sixteenth century the manorial records<sup>1</sup> as well as contemporary writers testify to still existing traces of it. But they also bear witness that it was then the status of a very small number of people. Fitzherbert wrote in 1523, "Howbeit in some places bondmen continue as yet;"<sup>2</sup> thus implying that in most places there were none left. One of the demands of the rebels under Kett in 1549 was, "that all bondmen be made ffre,"<sup>3</sup> a demand which does not seem, however, to have added greatly to their ranks.

With the transition from compulsory labor to hired labor on the demesnes, the chief *raison d'être* of villainage had ceased. So long, however, as there was any hope of a return to the old system the lords had endeavored to keep their villains at home, and it has been shown that there was some increase in the sums demanded as chivage. And even long after such hopes must have perished, the court records continued to contain a list of the names of all those that left the manor without permission. But instances of the recapture of

<sup>1</sup> At Hemmingford, for example, in 1513, of the things to be inquired into before the next meeting of the court, "*alia est pro diversis villanis ex isto manerio commorantis sine licentia.*" Court Rolls, 179/82.

<sup>2</sup> Fitzherbert, "Surveying," Ch. 13.

<sup>3</sup> Russell, "Kett's Rebellion in Norfolk," 52.

such deserters become fewer and fewer. At Shillington in 1429 three villains simply "disclamant condicionem nativorum" and nothing was done about it.<sup>1</sup> By the middle of the century it was growing very difficult to trace the fugitives, and it was not unusual for the jury to report their names to the manorial court, and to state "sed ubi ignorant;" then with a naive sarcasm it was added "et preceptum est ballivo eos capere." Throughout the fifteenth century, wherever the manorial organization survived, the bailiffs received these instructions; the manorial courts ordered them to seize all the villains absent without permission "ac omnia eorum bona et catalla."<sup>2</sup> That they were unable to obey the instructions is evident from the fact that year after year the same names appeared in the lists; indeed, on many manors instead of repeating the lists it was simply said "Nativi ut in anno precedente."<sup>3</sup> Very often also the jury acknowledged, "De nativis ignorant."<sup>4</sup>

With the gradual decay of the judicial powers of the manorial lords and the transfer of those powers by Acts of Parliament to the justices of the peace, the lords lost the means by which they had kept their villains at home and held them to the performance of their duties. Actual collections of chivage, as well as of other fines, therefore grew constantly less frequent. All the court rolls that have been preserved give evidence of this,<sup>5</sup> but none more strongly than those of the courts holden

<sup>1</sup> Court Rolls, 179/59.

<sup>2</sup> As late as 1513 there were reported at Wistow 9, at Hemingford 2, at Broughton 14, at Elsworth 4 villains that were absent without permission.—Court Rolls, 179/82.

<sup>3</sup> Cf. Court Rolls, 179/82.

<sup>4</sup> Cf. Court Rolls, 179/74.

<sup>5</sup> At Woolston in May, 1511, the court perquisites amounted to only 2s. 9d.; by 1524 they had fallen to 2d. In the first half of the fourteenth century they had sometimes been over £3.—Court Rolls, Bundle 154.



on the manors of Ramsey Abbey.<sup>1</sup> On these manors until the end of the fourteenth century the courts seldom met without collecting several payments of chivage varying in amount from twopence to twenty shillings. But after that time both the number of payments and the sums paid rapidly diminished. At Cranfield in 1420 there were two, one of sixpence, the other of two shillings; at Holywell 1424 one man paid fourpence, another one shilling; at Ellington as late as 1440 there were as many as five payments, but none of more than a penny; the latest recorded was at Houghton, where a villain paid eight pence as chivage in 1498.

Sometimes the occupation and abiding place of the absentees are recorded, and it helps us to an understanding of what became of them after they left home.<sup>2</sup> It shows also to what an extent the industrial, commercial and seafaring development of England at the end of the Middle Ages was due to the abolition of villainage. Striking contrasts have frequently been pointed out between England's commercial and colonial policy with its spirit of individualism and private enterprise, and the policy of France, which originated with and was controlled by the government. But it has not been pointed out that the contrast was due in large measure to the freedom of movement, the *Freizügigkeit*, that had been acquired by the masses of the people in Eng-

<sup>1</sup> Court Rolls, Bundle 179.

<sup>2</sup> At Houghton, W. T. pays 6*d.* to retain J. Upton in his service in the cloth trade; and J. Upton pays 1*s.* to keep Beatrice Upton with him. At Slepe, J. R. pays 3*s.* 6*d.* to live in St. Ives as a tanner.—Court Rolls, 179/44. At Cranfield, 1420, two pay chivage to go elsewhere as butchers and another as a tanner. In 1410, at Shillington, one had taken service with the king; at Therfield, one had gone off with the Duke of York; at Barton, two had gone away to school. There were many others absent, but it was not known where they were.—Court Rolls, 179/50.

land when that policy began; whereas in France they were still in a condition of serfdom.

Very often the fugitives went from one of their lord's manors without his consent, and quietly settled on another that also belonged to him, giving themselves apparently no concern about his displeasure.<sup>1</sup> Such behavior is strongly evincive of the lord's weakening powers. There were some villains also that took service in the armies that were fighting to maintain English supremacy in France; while others became retainers of the great barons, and contributed to the internal disorder that eventually wore themselves out in the Wars of the Roses. But the greater number of them went to the towns, and gave cause as early as 1389 for action on the part of the government to check the desertion of the country. The necessity for the re-enactment and the increasing stringency of laws having this object in view shows, however, that they were but slightly efficacious. The towns opposed the policy, encouraged the immigration of countrymen so as to obtain apprentices for the different crafts or crews for the ships that were being built for the Merchant Adventurers, and sometimes petitioned for exemption from the laws. It is a very significant fact that the time when the towns first began to grow rapidly in population and in wealth<sup>2</sup> was the time when the abolition of villainage also began. Much of their later prosperity, such as it was, is to be attributed to the freedom of movement acquired by the large class of people that had previously been adscripti glebae. And as the abolition of villainage helped the

<sup>1</sup> Thus of the seven that were absent from Broughton in 1398, four had settled without permission on other manors belonging to Ramsay Abbey.—Court Rolls, 179/43, 44.

<sup>2</sup> Mrs. Green tells us this was in the middle of the fourteenth century: "Town Life in the Fifteenth Century", I, 13.

towns, so also did the growth of the towns through the opportunities they held out to industrious immigrants promote the abolition of villainage. The well-known stories of the careers of such men as Dick Whittington, of Judge Paston, and others illustrate the possibilities presented in the early fifteenth century to clever young adventurers from the country, be they bond or free.

But there were not a few that failed to take at the flood the tide that led to fortune. Such a record as that at Cranfield, which relates that of the fourteen absent villains in 1420 "*unus est mendicus*,"<sup>1</sup> occurs not infrequently; and it shows that some who left their homes without preparation against the difficulties to be encountered in the outside world gradually fell from the class of "valiant beggars" to that of the "impotent poor." It is not a mere coincidence that the first English Poor Law<sup>2</sup> is contemporaneous with the rapid transition from predial services to money rents; it shows how great was the number of wanderers, tramps, deserters, and how impotent were the manorial lords to hold their villains in personal subjection.

And not only was the class of villains growing constantly smaller throughout the fifteenth century, but the obligations also through which the status was manifested became gradually lighter. With the abolition of predial services the right of the lord to change his villain's holding and thus increase his services fell into desuetude. Rare instances of its exercise do indeed occur in the records of the fifteenth century, but they grow continually harder to find.<sup>3</sup>

<sup>1</sup> Court Rolls, 179/56.

<sup>2</sup> 12 Richard II, C. 7.

<sup>3</sup> At Woolston, 1385, it was ordered that R. N. be distrained "*per omnia bona et catalla*", till he agreed to discharge the duties of reeve. —Court Rolls, 154/80. At Hemingford, 1411, J. N. was forced to take land and render the services due from it. —Court Rolls, 179/53.

As to the third obligation, however, through which the villain's status has been manifested, that of surrendering his possessions when his lord chose to seize them, the evidence is more conflicting, and different interpretations have been put upon it. Mr. Denton says, in his description of England in the Fifteenth Century,<sup>1</sup> that "in theory all the possessions of bondmen belonged to their lord; this was, however, a fiction that had become obsolete." Mr. Leadam, on the other hand, assures us, "The assertion of the lord's right to bondmen's realty and personalty . . . and the practical enforcement of it was as unequivocal in the sixteenth century as in the age of the *Myrrour*."<sup>2</sup> But Mr. Denton, careful as he is in most cases to give the ground on which his opinions are based, cites no evidence at all in support of this one; while Mr. Leadam has adduced in support of his statement only two cases of the actual seizure of personalty, and in both cases the goods seized had to be restored, because it was proved that the sufferers were not bondmen. Unfortunately we cannot look for definite information on this point to the manorial documents, for arbitrary seizures by a lord of his villain's possessions would not appear in them. On the whole, however, the evidence they give favors the view that before the end of the fifteenth century the villain was at no greater disadvantage in this regard than the small freeman. They do indeed strenuously insist throughout the century upon the lord's right to seize his villain's goods and chattels at his discretion.<sup>3</sup> But they also

<sup>1</sup> *Op. cit.*, 224.

<sup>2</sup> *Law Quarterly Review*, IX, 355.

<sup>3</sup> The entry on the Court Rolls of the Ramsey Abbey manors, "seizure in manum domini omnia bona et catalla omnium nativorum istius manerii ad praesens existencia seu in futuro contingencia" was repeated until 1539—Court Rolls, Bundle 179.

insist equally upon the lord's rights to the person and the realty of his villains, and it has been shown that these were not exercised. Furthermore, they testify to the gradual cessation of those seizures that were justified by ancient custom,<sup>1</sup> *à fortiori* to the non-occurrence of others. In the absence, then, of any proved case of arbitrary seizure it is not unreasonable to conclude that during the fifteenth century the property rights of a villain came to be as much respected by his lord in practice as were those of a free tenant. Until the agricultural revolution set in, the same conditions that gave the villain security in the possession of his land would tend to make him equally secure in the possession of his other goods. During the period of the civil wars which followed, the excursions and alarums of the contending armies often ushered in a scene of plunder and devastation to villain and freeman alike. The tradition of their sufferings at that time was still living in 1543, when an aged witness deposed before the Court of Requests "that he hathe hard hys father saye that before the batayle which was calleyd Ester Daye Ffeld . . . the

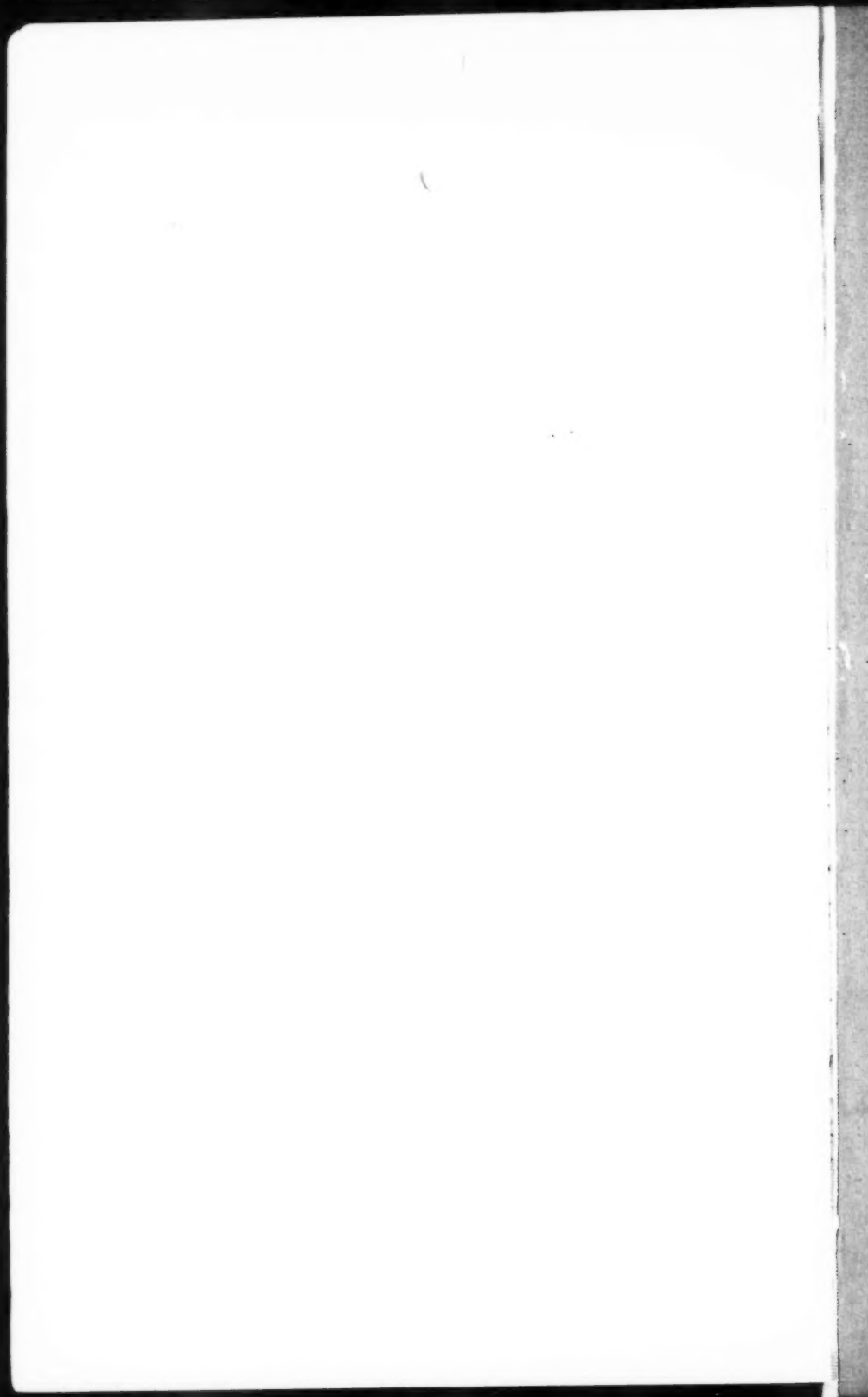
<sup>1</sup> *Tallage*.—At Woolston, for example, tallage "quod esse solebat quadraginta solidos aut triginta solidos aut maius aut minus ad voluntatem domini", and which before the Black Death had sometimes reached sixty shillings a year, had fallen in 1390 to 18s., in 1412 to 16s., in 1420 to 15s. 8d. After that date there is a long break in the records, and when the Court Rolls are again resumed in 1511, there is no sign of tallage at all.—Court Rolls, Bundle 154.

*Merchet*.—This was very rarely paid in the fifteenth century. The last case at Stevenage was in 1393, when a villain paid 6s. 8d.; the last case at Woolston was a payment of 13s. 4d. in 1390. There was a payment of 1s. as merchet at Abbot's Ripton in 1405; one of 6d. at Appledram in 1441. The last case that I have noticed, and the only one after 1450, was a payment of 5s. at Houghton in 1498.—Court Rolls, Bundles 178, 154, 179, 205.

*Leyrwile*.—Payments of this were rarer still. One was imposed at Warboys in 1401, but the steward excused it; one of 5s. was made at Abbot's Ripton in 1405; another of 5s. at Brighton in 1420.—Court Rolls, Bundle 179.

Northern men laye there [at Abbot's Ripton] so long before the Ffelde was froughten, that they impoverysed the countrey."<sup>1</sup> After the turmoil and strife of the great landowners were over, and the Court of Requests was established to see that they did justice to the poor man, it had little to do in protecting the villains; for there were very few villains left to protect. Villainage had perished, and the traces of it that existed after the fifteenth century would remotely suggest how vast the institution once had been. In the evolution of the physical body no important member perishes without leaving some survival to indicate the function it has once discharged: an analogous survival in the body politic was English villainage in the sixteenth century, interesting perhaps to the antiquary, but unimportant to the student of economic history; for it was no longer an institution capable of hindering or of promoting the further development of the country.

<sup>1</sup> Cunningham, "Growth of English Industry and Commerce", I, 455 *note*.





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